

## EXHIBIT 62

1 UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
2 EASTERN DIVISION  
3

IN RE: NATIONAL )  
4 PRESCRIPTION ) MDL No. 2804  
OPIATE LITIGATION )  
5 \_\_\_\_\_ ) Case No.  
 ) 1:17-MD-2804  
6 )  
THIS DOCUMENT RELATES ) Hon. Dan A.  
7 TO ALL CASES ) Polster  
8

TUESDAY, JANUARY 8, 2019

9  
HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
10 CONFIDENTIALITY REVIEW

11 - - -

12 Videotaped deposition of Ginger  
13 Collier, held at the offices of STINSON  
14 LEONARD STREET LLP, 7700 Forsyth Boulevard,  
15 Suite 1000, St. Louis, Missouri, commencing  
16 at 9:10 a.m., on the above date, before  
17 Carrie A. Campbell, Registered Diplomate  
18 Reporterand Certified Realtime Reporter.  
19  
20  
21

22 - - -

23  
GOLKOW LITIGATION SERVICES  
24 877.370.3377 ph | 917.591.5672 fax  
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25

Page 2	Page 4
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<p>1 VIDEOGRAPHER: We are now on 08:47:29</p> <p>2 the record. My name is James Arndt. 09:10:34</p> <p>3 I'm a videographer for Golkow 09:10:37</p> <p>4 Litigation Services. 09:10:39</p> <p>5 Today's date is January 8, 09:10:39</p> <p>6 2019, and the time is 9:10 a.m. 09:10:42</p> <p>7 This video deposition is being 09:10:44</p> <p>8 held in St. Louis, Missouri, in the 09:10:46</p> <p>9 matter of the National Prescription 09:10:47</p> <p>10 Opiate Litigation for the United 09:10:49</p> <p>11 States District Court for the Northern 09:10:52</p> <p>12 District of Ohio, Eastern Division. 09:10:54</p> <p>13 The deponent is Ginger Collier. 09:10:56</p> <p>14 Will counsel please identify 09:10:58</p> <p>15 themselves. 09:10:59</p> <p>16 MR. GOTTO: Gary Gotto, Keller 09:11:00</p> <p>17 Rohrback, LLP, for the plaintiffs. 09:11:03</p> <p>18 MR. VERDUGO: Gabe Verdugo, 09:11:07</p> <p>19 Keller Rohrback, LLP, also for the 09:11:07</p> <p>20 plaintiffs. 09:11:09</p> <p>21 MR. BENSON: Fred Benson, 09:11:11</p> <p>22 Covington Burling, LLP, for McKesson 09:11:12</p> <p>23 Corporation. 09:11:15</p> <p>24 MS. HARMON: Sarah Harmon with 09:11:17</p> <p>25 Armstrong Teasdale for Cardinal 09:11:17</p>	<p>1 reporter is Carrie Campbell, and she 09:12:31</p> <p>2 will now swear in the witness. 09:12:33</p> <p>3</p> <p>4 GINGER COLLIER,</p> <p>5 of lawful age, having been first duly sworn</p> <p>6 to tell the truth, the whole truth and</p> <p>7 nothing but the truth, deposes and says on</p> <p>8 behalf of the Plaintiffs, as follows:</p> <p>9 09:12:39</p> <p>10 DIRECT EXAMINATION 09:12:39</p> <p>11 QUESTIONS BY MR. GOTTO: 09:12:40</p> <p>12 Q. Good morning, Ms. Collier. 09:12:42</p> <p>13 A. Good morning. 09:12:43</p> <p>14 Q. How are you? 09:12:43</p> <p>15 A. Very good, thank you. 09:12:44</p> <p>16 Q. Great. 09:12:45</p> <p>17 As you just heard, my name is 09:12:45</p> <p>18 Gary Gotto. I'm one of the lawyers 09:12:47</p> <p>19 representing the plaintiffs in this 09:12:49</p> <p>20 litigation. 09:12:50</p> <p>21 Could you please state your 09:12:52</p> <p>22 business address, please? 09:12:56</p> <p>23 A. My business address? I do not 09:12:57</p> <p>24 have a business address. My home address? 09:13:00</p> <p>25 Q. Sure, home address is fine. 09:13:02</p>
Page 11	Page 13
<p>1 Health. 09:11:19</p> <p>2 MS. DURFEE: Laura Jane Durfee 09:11:20</p> <p>3 with Jones Day for Walmart. 09:11:20</p> <p>4 MS. LARUSSA: Cassandra 09:11:20</p> <p>5 Larussa, Ropes &amp; Gray, for 09:11:24</p> <p>6 Mallinckrodt, LLC, SpecGx and Ginger 09:11:25</p> <p>7 Collier. 09:11:28</p> <p>8 MR. O'CONNOR: Andrew O'Connor 09:11:28</p> <p>9 from Ropes &amp; Gray for Mallinckrodt, 09:11:30</p> <p>10 LLC, SpecGx and Ginger Collier. 09:11:34</p> <p>11 VIDEOGRAPHER: Will counsel on 09:11:34</p> <p>12 the phone please identify themselves? 09:11:35</p> <p>13 MR. HIBEY: David Hibey of 09:11:42</p> <p>14 Arnold &amp; Porter on behalf of the Endo 09:11:43</p> <p>15 defendants. 09:11:45</p> <p>16 MS. WINSTON: Sylvia Winston 09:11:45</p> <p>17 Nichols on behalf of AmerisourceBergen 09:11:49</p> <p>18 Drug Corporation. 09:11:49</p> <p>19 MS. MUSKETT: Eileen Muskett of 09:11:52</p> <p>20 Fox Rothschild on behalf of Validus. 09:12:03</p> <p>21 MS. WINSTON: Yes, this is 09:12:20</p> <p>22 Sylvia Winston. 09:12:22</p> <p>23 MS. HERZFELD: Tricia Herzfeld 09:12:25</p> <p>24 on behalf of the Tennessee plaintiffs. 09:12:26</p> <p>25 VIDEOGRAPHER: The court 09:12:31</p>	<p>1 A. Okay. [REDACTED] [REDACTED]</p> <p>2 [REDACTED] 09:13:07</p> <p>3 Q. Okay. And are you currently 09:13:11</p> <p>4 employed? 09:13:11</p> <p>5 A. Yes, I am. 09:13:12</p> <p>6 Q. By whom? 09:13:12</p> <p>7 A. Hisun Pharmaceutical. 09:13:13</p> <p>8 Q. Okay. And what's your position 09:13:15</p> <p>9 at Hisun? 09:13:18</p> <p>10 A. Vice president, national 09:13:19</p> <p>11 accounts. 09:13:21</p> <p>12 Q. Okay. And when did you join 09:13:22</p> <p>13 Hisun? 09:13:24</p> <p>14 A. In 2017. 09:13:25</p> <p>15 Q. Where is Hisun located? 09:13:28</p> <p>16 A. New Jersey. 09:13:29</p> <p>17 Q. Where in New Jersey? 09:13:30</p> <p>18 A. Bridgewater. Sorry, we just 09:13:31</p> <p>19 moved from Princeton, so I'm still thinking 09:13:35</p> <p>20 Princeton. 09:13:41</p> <p>21 Q. Okay. Great. 09:13:41</p> <p>22 Have you ever given a 09:13:42</p> <p>23 deposition before? 09:13:43</p> <p>24 A. No. 09:13:44</p> <p>25 Q. Okay. Have you ever testified 09:13:45</p>

<p style="text-align: right;">Page 14</p> <p>1 under oath in any setting? 09:13:46</p> <p>2 A. Not that I can recall. 09:13:47</p> <p>3 Q. Okay. And you understand 09:13:51</p> <p>4 you're under oath today? 09:13:52</p> <p>5 A. Yes. 09:13:53</p> <p>6 Q. Okay. And I'm sure your 09:13:54</p> <p>7 counsel has given you a preview of how 09:13:55</p> <p>8 depositions proceed generally, but I'll just 09:13:59</p> <p>9 give you a few ground rules. 09:14:01</p> <p>10 I will do my best not to talk 09:14:03</p> <p>11 over you, and if you could reciprocate that, 09:14:06</p> <p>12 that'll make for the court reporter to be 09:14:10</p> <p>13 able to take down a good, clean transcript so 09:14:11</p> <p>14 folks can understand what we're saying here 09:14:14</p> <p>15 today if they ever choose to look at it down 09:14:16</p> <p>16 the road. 09:14:19</p> <p>17 I will try to make my questions 09:14:19</p> <p>18 as clear as I can. If they're in any way 09:14:21</p> <p>19 unclear to you, please let me know, and I'll 09:14:26</p> <p>20 try to clarify them. 09:14:29</p> <p>21 If you -- you know, if you 09:14:30</p> <p>22 answer a question, I'll assume you understand 09:14:30</p> <p>23 it and thought it was reasonably clear to 09:14:32</p> <p>24 you. 09:14:35</p> <p>25 Is that fair? 09:14:35</p>	<p style="text-align: right;">Page 16</p> <p>1 embellishment. If that's the case, please 09:15:46</p> <p>2 let me know, and we'll be happy to 09:15:49</p> <p>3 accommodate that as well. 09:15:50</p> <p>4 Okay? 09:15:52</p> <p>5 A. Okay. 09:15:52</p> <p>6 Q. Are you taking any medications 09:15:53</p> <p>7 that could impair your memory or ability to 09:15:54</p> <p>8 testify accurately here today? 09:15:57</p> <p>9 A. No. 09:15:58</p> <p>10 Q. Great. 09:16:00</p> <p>11 And you're represented by 09:16:00</p> <p>12 counsel here today, correct? 09:16:03</p> <p>13 A. Yes, I am. 09:16:05</p> <p>14 Q. And are you paying your counsel 09:16:05</p> <p>15 for today's representation? 09:16:08</p> <p>16 A. No, I am not. 09:16:09</p> <p>17 Q. Okay. Do you know who is 09:16:10</p> <p>18 paying them? 09:16:12</p> <p>19 A. I assume Mallinckrodt. 09:16:12</p> <p>20 Q. Okay. Let's go ahead and 09:16:14</p> <p>21 mark... 09:16:22</p> <p>22 (Mallinckrodt-Collier Exhibit 1 09:16:22</p> <p>23 marked for identification.) 09:16:29</p> <p>24 QUESTIONS BY MR. GOTTO: 09:16:29</p> <p>25 Q. We've marked as Exhibit 1 the 09:16:41</p>
<p style="text-align: right;">Page 15</p> <p>1 A. Yes. 09:14:35</p> <p>2 Q. If you need a break at any 09:14:36</p> <p>3 point, just let me know, and we'll find a 09:14:39</p> <p>4 convenient breaking spot. We will take 09:14:42</p> <p>5 regular breaks, approximately every hour or 09:14:44</p> <p>6 so, in any event. 09:14:46</p> <p>7 The court reporter is here, of 09:14:47</p> <p>8 course, making a transcript. We also have 09:14:53</p> <p>9 this on video. There are various purposes in 09:14:56</p> <p>10 the litigation that your testimony could be 09:14:59</p> <p>11 used for in the future. And if you have 09:15:00</p> <p>12 any -- any questions regarding procedure at 09:15:07</p> <p>13 all today, just feel free to let me know at 09:15:14</p> <p>14 any point. 09:15:16</p> <p>15 Today is not a memory test. 09:15:18</p> <p>16 Many of the events we're going to be talking 09:15:20</p> <p>17 about happened several years ago, and I 09:15:23</p> <p>18 understand that, you know, your memory may 09:15:25</p> <p>19 not be as clear on certain things as on 09:15:29</p> <p>20 others. That's perfectly natural, to be 09:15:31</p> <p>21 expected. 09:15:35</p> <p>22 In the course of the day you 09:15:35</p> <p>23 may find that an answer that you gave 09:15:37</p> <p>24 earlier, later on in the day you realize was 09:15:39</p> <p>25 perhaps incomplete or could stand some 09:15:42</p>	<p style="text-align: right;">Page 17</p> <p>1 notice we served for today's deposition. 09:16:47</p> <p>2 Have you seen this document 09:16:52</p> <p>3 before? 09:16:52</p> <p>4 A. Yes, I did. 09:16:52</p> <p>5 Q. Okay. And when do you recall 09:16:53</p> <p>6 seeing it for the first time? 09:16:54</p> <p>7 A. Yesterday. 09:16:54</p> <p>8 Q. Okay. When did you first 09:16:55</p> <p>9 become aware that there was a request to take 09:16:56</p> <p>10 your deposition in this matter? 09:16:58</p> <p>11 A. About two months ago. 09:16:59</p> <p>12 Q. Did you undertake personally 09:17:05</p> <p>13 any effort to locate documents that would be 09:17:08</p> <p>14 responsive to the document request that's 09:17:15</p> <p>15 included in the deposition notice? 09:17:17</p> <p>16 A. No, I don't recall having any 09:17:18</p> <p>17 documents in my possession. I retired when I 09:17:21</p> <p>18 left Mallinckrodt. 09:17:23</p> <p>19 Q. Okay. And when did you leave 09:17:24</p> <p>20 Mallinckrodt? 09:17:25</p> <p>21 A. February of 2015. 09:17:25</p> <p>22 Q. Okay. And at that point did 09:17:27</p> <p>23 you take with you any of your -- any files 09:17:30</p> <p>24 that you had maintained while you were at 09:17:33</p> <p>25 Mallinckrodt? 09:17:35</p>



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1	A. No. 09:17:35	1	ask if there are documents that 09:19:22
2	Q. Okay. Any computer records, 09:17:36	2	pertain to Ms. Collier's 09:19:23
3	laptop, anything of that nature? 09:17:38	3	Mallinckrodt-issued phone account, 09:19:26
4	A. No. 09:17:39	4	text messages, et cetera, that those 09:19:28
5	Q. Okay. Did you -- while you 09:17:40	5	be produced. 09:19:30
6	were at Mallinckrodt, did you maintain 09:17:46	6	MR. O'CONNOR: I understand the 09:19:30
7	personally any files -- and when I say 09:17:48	7	request. 09:19:31
8	"personally," I mean independent of your 09:17:51	8	MR. GOTTO: Thank you. 09:19:32
9	place of work. 09:17:52	9	QUESTIONS BY MR. GOTTO: 09:19:32
10	Did you maintain any files that 09:17:53	10	Q. Okay. Ms. Collier, I'd like to 09:19:35
11	pertained to your work at Mallinckrodt? 09:17:55	11	know what you did to prepare for today's 09:19:38
12	A. No, there were occasions when I 09:17:57	12	deposition. I don't want you to divulge the 09:19:40
13	would do work from home on my computer, but I 09:18:01	13	communications you had with any of your 09:19:43
14	would transfer it to my work computer and 09:18:03	14	counsel in giving me that description, but 09:19:47
15	send it to myself in e-mail or transfer it to 09:18:05	15	perhaps you can tell me generally what you 09:19:50
16	my work computer via USB hub. 09:18:07	16	did to prepare. 09:19:52
17	Q. Okay. Great. 09:18:12	17	A. I had two meetings with general 09:19:52
18	Did you ever use -- while you 09:18:12	18	counsel, one in October and another one just 09:19:55
19	were at Mallinckrodt, did you use any 09:18:13	19	yesterday. 09:19:58
20	personal e-mail accounts to communicate with 09:18:15	20	Q. Okay. And who was present at 09:19:59
21	respect to professional activities? 09:18:19	21	those meetings? 09:20:01
22	A. No. 09:18:20	22	A. Bill was the first meeting. I 09:20:02
23	Q. Did you use your phone to send 09:18:21	23	don't remember his last name. And Andrew 09:20:05
24	text messages that pertained to Mallinckrodt 09:18:28	24	O'Connor and Cassandra were at the second 09:20:07
25	business while you were at Mallinckrodt? 09:18:30	25	meeting yesterday. 09:20:11
Page 19		Page 21	
1	A. I had a Mallinckrodt phone at 09:18:32	1	Q. And Bill is an attorney? 09:20:11
2	the time, so I may have. 09:18:35	2	A. Yes. 09:20:12
3	Q. Okay. When you say "a 09:18:37	3	Q. Okay. A Ropes & Gray lawyer 09:20:13
4	Mallinckrodt phone," what do you mean by 09:18:38	4	or -- 09:20:16
5	that? 09:18:38	5	A. He's at Ropes & Gray, yes. 09:20:16
6	A. A company-issued phone that I 09:18:40	6	Q. Okay. Great. 09:20:19
7	returned. It was company property. 09:18:42	7	Approximately how long did each 09:20:20
8	Q. Okay. Do you know who the 09:18:44	8	one of those meetings last? 09:20:21
9	cellular carrier was on that -- for that 09:18:46	9	A. The first one was about six 09:20:22
10	phone? 09:18:49	10	hours, and yesterday was seven and a half. 09:20:24
11	A. Possibly AT&T, I think is who 09:18:50	11	Q. Okay. Independent of the 09:20:31
12	was doing it. 09:18:53	12	meetings with counsel, did you do anything 09:20:33
13	Q. Okay. It was an account that 09:18:53	13	else to prepare for today's deposition? 09:20:35
14	Mallinckrodt handled, though, paid for, et 09:18:55	14	A. No, sir. 09:20:37
15	cetera? 09:18:56	15	Q. Didn't review any documents? 09:20:37
16	A. Correct. 09:18:56	16	A. I don't have any to review. 09:20:39
17	Q. Okay. So you don't have any 09:18:57	17	Q. Okay. Have you spoken with 09:20:41
18	records from that account; is that right? 09:18:58	18	anyone who has given testimony in this 09:20:42
19	A. No, I do not. 09:19:00	19	litigation with respect to the litigation? 09:20:48
20	Q. Okay. Do you know who at 09:19:01	20	A. No, I have not. 09:20:49
21	Mallinckrodt would have any records that 09:19:08	21	Q. Okay. Have you reviewed any 09:20:51
22	exist today with respect to your 09:19:12	22	transcripts of any depositions or any other 09:20:52
23	Mallinckrodt-issued phone account? 09:19:14	23	proceedings -- 09:20:55
24	A. No. 09:19:16	24	A. No. 09:20:55
25	MR. GOTTO: Counsel, we would 09:19:21	25	Q. -- pertaining to -- okay -- 09:20:56

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<p>1 pertaining to this litigation? 09:20:58</p> <p>2 A. (Witness shakes head.) 09:21:00</p> <p>3 Q. In your meetings with counsel, 09:21:01</p> <p>4 did you review any documents? 09:21:07</p> <p>5 A. Yes, I did. 09:21:09</p> <p>6 Q. Okay. Did any of those 09:21:10</p> <p>7 documents refresh your recollection in any 09:21:11</p> <p>8 regard? 09:21:14</p> <p>9 A. On some issues, yes. 09:21:14</p> <p>10 Q. What issues can you recall your 09:21:16</p> <p>11 recollection being refreshed on? 09:21:18</p> <p>12 A. Some memos that were sent in 09:21:21</p> <p>13 e-mail. 09:21:26</p> <p>14 Q. In terms of subject matter of 09:21:26</p> <p>15 the nature of the issues that you were 09:21:28</p> <p>16 refreshed on, do you have a recollection of 09:21:29</p> <p>17 what those were? 09:21:31</p> <p>18 MR. O'CONNOR: Objection. I'm 09:21:32</p> <p>19 going to instruct the witness not to 09:21:33</p> <p>20 answer to the extent this is getting 09:21:34</p> <p>21 into attorney-client communications 09:21:36</p> <p>22 and work product. 09:21:38</p> <p>23 MR. GOTTO: Well, I think if 09:21:39</p> <p>24 they refreshed her recollection, we're 09:21:41</p> <p>25 entitled to know the subject matter on 09:21:45</p>	<p>1 counsel in preparation for the deposition? 09:22:29</p> <p>2 A. Not in preparation for the 09:22:30</p> <p>3 deposition, no. 09:22:31</p> <p>4 Q. Okay. Have you reviewed the -- 09:22:33</p> <p>5 any of the complaints on file in this 09:22:38</p> <p>6 litigation? 09:22:41</p> <p>7 A. No, I knew that there was a 09:22:42</p> <p>8 lawsuit. I was aware there was a lawsuit, 09:22:45</p> <p>9 but I haven't reviewed any of the materials. 09:22:46</p> <p>10 Q. Okay. When did you first 09:22:49</p> <p>11 become aware that this litigation was 09:22:50</p> <p>12 pending? 09:22:52</p> <p>13 A. I can't remember. And I can't 09:22:53</p> <p>14 remember how I found out either. 09:22:57</p> <p>15 Q. Okay. Do you have an 09:22:59</p> <p>16 understanding of the nature of the claims 09:23:03</p> <p>17 that are asserted in the litigation? 09:23:05</p> <p>18 A. Yes, I do. 09:23:07</p> <p>19 Q. And what's that understanding? 09:23:08</p> <p>20 A. My understanding is that 09:23:09</p> <p>21 federal facilities and counties and states 09:23:13</p> <p>22 are suing to -- because they believe there is 09:23:16</p> <p>23 lack of diligence or something on behalf of 09:23:24</p> <p>24 the companies and that they want to sue on 09:23:28</p> <p>25 behalf of the counties for cost, for opioid 09:23:32</p>
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<p>1 which they refreshed her recollection, 09:21:46</p> <p>2 which is -- 09:21:48</p> <p>3 MR. O'CONNOR: You can answer 09:21:48</p> <p>4 at a very high level. 09:21:49</p> <p>5 THE WITNESS: Sure. Specific 09:21:50</p> <p>6 customer meetings or specific customer 09:21:52</p> <p>7 communication. 09:21:54</p> <p>8 QUESTIONS BY MR. GOTTO: 09:21:55</p> <p>9 Q. Okay. Do you remember what 09:21:55</p> <p>10 customers? 09:21:57</p> <p>11 A. Yes, I do. 09:21:57</p> <p>12 Q. Which were they? 09:21:59</p> <p>13 A. KeySource and Masters were 09:22:00</p> <p>14 mentioned in them. 09:22:05</p> <p>15 Q. Okay. Well, we'll be looking 09:22:05</p> <p>16 at some documents today on each of those -- 09:22:07</p> <p>17 A. Okay. 09:22:09</p> <p>18 Q. -- and we can get into that in 09:22:10</p> <p>19 some more detail at that point. 09:22:12</p> <p>20 So the two -- the two meetings 09:22:14</p> <p>21 you had with counsel were personal meetings, 09:22:17</p> <p>22 not telephonic; is that right? 09:22:19</p> <p>23 A. They were personal. 09:22:21</p> <p>24 Q. Okay. And did you have any 09:22:22</p> <p>25 other telephonic meetings or conferences with 09:22:23</p>	<p>1 abuse. 09:23:37</p> <p>2 Q. Do you have any personal 09:23:38</p> <p>3 opinion as to the merits of any of those 09:23:40</p> <p>4 claims? 09:23:43</p> <p>5 A. Yes, I do. 09:23:44</p> <p>6 Q. What are those opinions? 09:23:46</p> <p>7 A. I think they're probably 09:23:48</p> <p>8 overreaching and misguided. 09:23:53</p> <p>9 Q. Okay. What do you base that 09:23:55</p> <p>10 on? 09:23:57</p> <p>11 A. My knowledge of the industry. 09:23:57</p> <p>12 And I don't have explicit knowledge about 09:24:00</p> <p>13 abuse and how abuse occurs, but it's 09:24:02</p> <p>14 basically on my knowledge of the industry and 09:24:05</p> <p>15 some of the assertions that have been made. 09:24:07</p> <p>16 Q. Okay. Are you being 09:24:10</p> <p>17 compensated in any way for your testimony 09:24:19</p> <p>18 here today? 09:24:21</p> <p>19 A. No, I'm not. 09:24:22</p> <p>20 Q. Are you being reimbursed for 09:24:23</p> <p>21 any of your expenses? 09:24:25</p> <p>22 A. For my \$12 parking today, I 09:24:26</p> <p>23 assume, yes. 09:24:28</p> <p>24 Q. Okay. Travel expense or hotel 09:24:29</p> <p>25 or anything? 09:24:32</p>



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<p>1 A. I live here, so there's no 09:24:34</p> <p>2 expense involved. 09:24:36</p> <p>3 Q. Okay. Great. 09:24:37</p> <p>4 I'd like to ask you just a 09:24:38</p> <p>5 little bit about your background. 09:24:43</p> <p>6 Could you describe generally 09:24:44</p> <p>7 your post-high school education? 09:24:45</p> <p>8 A. Yes. I have a master's -- 09:24:46</p> <p>9 yeah, a master's in business administration, 09:24:48</p> <p>10 a bachelor's in management, and those are my 09:24:53</p> <p>11 two levels of education. 09:24:58</p> <p>12 Q. Okay. And from what 09:25:00</p> <p>13 institutions did you receive those degrees? 09:25:02</p> <p>14 A. University of Phoenix in 09:25:04</p> <p>15 Fountain Valley, California. 09:25:07</p> <p>16 Q. And approximately when did you 09:25:08</p> <p>17 receive your degrees? 09:25:09</p> <p>18 A. It's been a while. 23 years 09:25:11</p> <p>19 ago I received my bachelor's, and 20 years 09:25:17</p> <p>20 ago I received my master's. 09:25:21</p> <p>21 Q. Okay. Great. 09:25:23</p> <p>22 Beyond your bachelor's and 09:25:24</p> <p>23 master's programs, have you received any 09:25:29</p> <p>24 other -- or participated in any other formal 09:25:37</p> <p>25 post-high school courses of study? 09:25:40</p>	<p>1 A. No. 09:26:48</p> <p>2 Q. Did you take any courses 09:26:49</p> <p>3 related to pharmaceuticals more generally? 09:26:53</p> <p>4 A. No. 09:26:57</p> <p>5 Q. When you were pursuing your 09:26:57</p> <p>6 bachelor's or master's degrees, did you have 09:27:02</p> <p>7 an intent to pursue a career in the 09:27:06</p> <p>8 pharmaceutical industry? 09:27:10</p> <p>9 A. I was already in the 09:27:10</p> <p>10 pharmaceutical industry. I just was pursuing 09:27:12</p> <p>11 my degree to round out my education and to be 09:27:15</p> <p>12 a better manager. 09:27:18</p> <p>13 Q. Okay. Well, then let's go 09:27:20</p> <p>14 back. Tell me when you first became involved 09:27:21</p> <p>15 in any position in the pharmaceutical 09:27:23</p> <p>16 industry. 09:27:25</p> <p>17 A. That was all the way back to 09:27:25</p> <p>18 1975. I worked in a drugstore. From the 09:27:29</p> <p>19 drugstore, I worked for a drug wholesaler, 09:27:34</p> <p>20 and from the drug wholesaler, I went to work 09:27:36</p> <p>21 for a pharmaceutical company. 09:27:38</p> <p>22 And so I stayed in the 09:27:39</p> <p>23 pharmaceutical company, went back to work for 09:27:40</p> <p>24 a drug wholesaler, then worked for another 09:27:42</p> <p>25 pharmaceutical company. 09:27:47</p>
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<p>1 A. Well, I've attended other 09:25:42</p> <p>2 sessions on management and, you know, 09:25:46</p> <p>3 certification programs, but it's more 09:25:50</p> <p>4 continuing education for management and 09:25:53</p> <p>5 brushing up on skill sets, like that. 09:25:56</p> <p>6 Q. Okay. So apart from the 09:25:59</p> <p>7 bachelor's and master's programs, are those 09:26:02</p> <p>8 the -- were there any other times when you 09:26:05</p> <p>9 were -- considered yourself to be a full- or 09:26:08</p> <p>10 part-time student -- 09:26:10</p> <p>11 A. No. 09:26:11</p> <p>12 Q. -- post-high school? 09:26:11</p> <p>13 Okay. Do you hold any 09:26:13</p> <p>14 professional licenses or certifications? 09:26:18</p> <p>15 A. No, I do not. 09:26:19</p> <p>16 Q. Have you at any time? 09:26:20</p> <p>17 A. No. 09:26:22</p> <p>18 Q. Okay. And I'm sorry, you may 09:26:22</p> <p>19 have already told me this, but what was your 09:26:28</p> <p>20 undergraduate major? 09:26:30</p> <p>21 A. Bachelor of arts in management. 09:26:31</p> <p>22 Q. Okay. In either your 09:26:35</p> <p>23 undergraduate or master's degree programs, 09:26:37</p> <p>24 did you take any courses that dealt with the 09:26:41</p> <p>25 Controlled Substances Act? 09:26:47</p>	<p>1 Q. Okay. So fair to say that when 09:27:48</p> <p>2 you were pursuing your bachelor's and 09:27:51</p> <p>3 master's degrees, you were anticipating 09:27:52</p> <p>4 future employment in the pharmaceutical 09:27:56</p> <p>5 industry? 09:27:57</p> <p>6 A. I was anticipating staying in 09:27:59</p> <p>7 the pharmaceutical industry. 09:28:02</p> <p>8 Q. Okay. So were you continued -- 09:28:03</p> <p>9 were you employed while you were pursuing 09:28:07</p> <p>10 your degrees? 09:28:08</p> <p>11 A. Yes, I was. 09:28:09</p> <p>12 Q. I see. Okay. Okay. Thank 09:28:10</p> <p>13 you. 09:28:11</p> <p>14 So by whom were you employed at 09:28:11</p> <p>15 that time? 09:28:15</p> <p>16 A. When I finished my degree, I 09:28:15</p> <p>17 was employed with Schein Pharmaceutical. 09:28:16</p> <p>18 Q. And what position did you have? 09:28:20</p> <p>19 A. Product manager and national 09:28:22</p> <p>20 account manager. 09:28:24</p> <p>21 Q. Okay. So product manager, what 09:28:25</p> <p>22 does that mean in the pharmaceutical 09:28:28</p> <p>23 industry? 09:28:30</p> <p>24 A. For a generic drug company, 09:28:30</p> <p>25 it's a little bit different. For generics, 09:28:32</p>

<p style="text-align: right;">Page 30</p> <p>1 product management means forecasting, pricing 09:28:34</p> <p>2 strategy, working with the national account 09:28:43</p> <p>3 managers on customer strategy. 09:28:45</p> <p>4 Q. And when you said it's a little 09:28:46</p> <p>5 different in generics, did you mean that you 09:28:51</p> <p>6 were in a branded manufacturer at the time? 09:28:52</p> <p>7 A. No, I was always with the 09:28:57</p> <p>8 generic side. 09:28:59</p> <p>9 Q. Okay. Okay. Including at 09:29:00</p> <p>10 Mallinckrodt? 09:29:01</p> <p>11 A. Correct. 09:29:02</p> <p>12 At Elan, I did one branded 09:29:03</p> <p>13 product that was nonpromoted, and so there 09:29:06</p> <p>14 was one brand product in my background. 09:29:09</p> <p>15 Q. Okay. And so you indicated you 09:29:12</p> <p>16 were both a product manager and a national 09:29:15</p> <p>17 account manager. 09:29:16</p> <p>18 What is a national account 09:29:17</p> <p>19 manager responsible for, typically, in the 09:29:20</p> <p>20 generic industry? 09:29:22</p> <p>21 A. A national account manager 09:29:22</p> <p>22 works with key accounts, largest accounts, 09:29:24</p> <p>23 national accounts, and negotiates contracts, 09:29:27</p> <p>24 works on behalf of the customer to ensure 09:29:30</p> <p>25 that they're getting all that they need taken 09:29:33</p>	<p style="text-align: right;">Page 32</p> <p>1 department or other division that was 09:30:52</p> <p>2 responsible for regulatory compliance? 09:30:54</p> <p>3 A. I don't know that. It's not 09:30:56</p> <p>4 anyone I interacted with or remember 09:30:59</p> <p>5 interacting with. 09:31:02</p> <p>6 Q. Okay. You were aware, though, 09:31:03</p> <p>7 that the narcotics that Schein was 09:31:04</p> <p>8 distributing were scheduled under the 09:31:06</p> <p>9 Controlled Substances Act? 09:31:10</p> <p>10 A. That, I don't know. 09:31:10</p> <p>11 Q. Okay. You know it now, but you 09:31:12</p> <p>12 don't know if you were aware of it then? 09:31:15</p> <p>13 A. Correct. 09:31:17</p> <p>14 Q. Okay. Did you stay at Schein 09:31:18</p> <p>15 after you got your master's degree? 09:31:24</p> <p>16 A. Yes, I did. 09:31:26</p> <p>17 Q. And for how long? 09:31:26</p> <p>18 A. For a brief period. And I got 09:31:27</p> <p>19 promoted during that time and moved into the 09:31:30</p> <p>20 home office. That's when I became a product 09:31:33</p> <p>21 manager, right after graduation, and I worked 09:31:36</p> <p>22 there for a brief period. 09:31:38</p> <p>23 Then they were acquired by 09:31:41</p> <p>24 Watson, and then I stayed with Watson for a 09:31:43</p> <p>25 brief period and left there. 09:31:46</p>
<p style="text-align: right;">Page 31</p> <p>1 care of, and it also -- they also would 09:29:34</p> <p>2 negotiate pricing and determine who the 09:29:38</p> <p>3 incumbent competitor is and try and displace 09:29:41</p> <p>4 the incumbent competitor. 09:29:44</p> <p>5 Q. Okay. So in your career in the 09:29:49</p> <p>6 pharmaceutical industry, when did you -- when 09:29:54</p> <p>7 were you first in a position that involved 09:29:58</p> <p>8 responsibilities with respect to 09:30:04</p> <p>9 pharmaceuticals that were scheduled under the 09:30:06</p> <p>10 Controlled Substances Act? 09:30:09</p> <p>11 A. When I was working at Schein 09:30:10</p> <p>12 Pharmaceutical, we sold some narcotics, and I 09:30:14</p> <p>13 was product manager for them and sold them as 09:30:16</p> <p>14 a national account manager. 09:30:17</p> <p>15 Q. Okay. So when did you start at 09:30:19</p> <p>16 Schein? 09:30:20</p> <p>17 A. I believe it was 1980, early 09:30:21</p> <p>18 1980s. 09:30:29</p> <p>19 Q. Okay. And did you have 09:30:30</p> <p>20 occasion to become familiar with any aspect 09:30:32</p> <p>21 of the regulatory requirements imposed under 09:30:36</p> <p>22 the Controlled Substances Act while you were 09:30:40</p> <p>23 at Schein? 09:30:42</p> <p>24 A. No. 09:30:43</p> <p>25 Q. Did Schein have a compliance 09:30:45</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Okay. And during the period 09:31:47</p> <p>2 you were at Watson, did you continue to be a 09:31:48</p> <p>3 product manager? 09:31:51</p> <p>4 A. Yes. 09:31:51</p> <p>5 Q. Okay. And when you left 09:31:52</p> <p>6 Watson, where did you go from there? 09:31:54</p> <p>7 A. I went to Baxter -- oh, 09:31:55</p> <p>8 actually, excuse me, I went to Elan for a 09:32:01</p> <p>9 very brief period, only six months or seven 09:32:04</p> <p>10 months. I went to Elan; they were a business 09:32:06</p> <p>11 partner of Watson. I went to work for them 09:32:09</p> <p>12 in a specialty position, in product 09:32:11</p> <p>13 management, basically, but it was more 09:32:13</p> <p>14 working with their business partners. So I 09:32:15</p> <p>15 didn't manage the products, per se, but I 09:32:18</p> <p>16 worked with them on that side of the 09:32:19</p> <p>17 business. 09:32:22</p> <p>18 Q. And so what was the nature of 09:32:22</p> <p>19 your responsibilities in this specialty 09:32:25</p> <p>20 product manager position? 09:32:28</p> <p>21 A. It was any products that they 09:32:29</p> <p>22 were not promoting for generics and -- that 09:32:32</p> <p>23 became genericized, I would help them figure 09:32:37</p> <p>24 out a strategy. 09:32:40</p> <p>25 The other thing that I would do 09:32:42</p>

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1 is I worked with -- did the analytics on 09:32:43  
2 business partners to make sure that Elan was 09:32:46  
3 correctly getting the amount owed to them in 09:32:48  
4 the alliance, because we had profit share 09:32:53  
5 arrangements, and so I had to review. 09:32:55  
6 Because as a -- in a generic sector, if 09:32:57  
7 you've doing this a little while, you realize 09:32:59  
8 it's very complicated in the pricing. So I 09:33:01  
9 had to help them analyze the pricing and make 09:33:03  
10 sure that they -- the rebates, discounts and 09:33:05  
11 allowances were being calculated properly. 09:33:07  
12 Q. And after you left Elan, where 09:33:13  
13 did you go? 09:33:15  
14 A. I went to Baxter. 09:33:16  
15 Q. Okay. And what was your 09:33:17  
16 position at Baxter? 09:33:18  
17 A. Director of marketing. 09:33:19  
18 Q. How long were you at Baxter? 09:33:21  
19 A. I was at Baxter two years. 09:33:25  
20 Q. What was your reason for 09:33:26  
21 leaving Elan and joining Baxter? 09:33:28  
22 A. Elan terminated my position. 09:33:30  
23 Q. And do you know the reason for 09:33:32  
24 that? 09:33:33  
25 A. They were moving the 09:33:34

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1 facilities. They were selling off the entire 09:33:36  
2 facility, and everybody was let go. 09:33:38  
3 Q. Okay. So you went to Baxter 09:33:40  
4 and you were director of marketing? 09:33:43  
5 A. Correct. 09:33:46  
6 Q. So tell me generally what your 09:33:46  
7 responsibilities were as director of 09:33:48  
8 marketing at Baxter. 09:33:50  
9 A. Again, it was a generic 09:33:52  
10 division of Baxter. It sold -- we sold 09:33:54  
11 injectables, and so it was working with 09:33:56  
12 customers on the contracts. The NAMs would 09:33:59  
13 come up with contracts, and I would review 09:34:02  
14 the contracts and adjust any terms and 09:34:04  
15 conditions that I didn't think that we could 09:34:06  
16 honor or that were too costly for the 09:34:09  
17 company. 09:34:12  
18 And my team was responsible for 09:34:12  
19 forecasting any programs that we had to 09:34:14  
20 ensure the compliance to the contracts, and 09:34:18  
21 then forecasting and pricing. 09:34:22  
22 Q. Okay. And you used the acronym 09:34:26  
23 NAMs. Is that national account manager? 09:34:29  
24 A. National account manager, I'm 09:34:32  
25 sorry. 09:34:35

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1 Q. Great. Thank you. 09:34:35  
2 You indicated Baxter sold 09:34:38  
3 injectables. What type of medication? 09:34:40  
4 A. Anesthesia products primarily, 09:34:43  
5 and things used in the operating room or 09:34:47  
6 surgical procedures. 09:34:50  
7 Q. Okay. 09:34:52  
8 A. Post and preop. 09:34:52  
9 Q. Okay. So these were not 09:34:53  
10 Controlled Substances Act scheduled 09:34:55  
11 materials, correct? 09:34:56  
12 A. We had some schedule drugs, but 09:34:57  
13 I'm not sure which fell under the purview of 09:35:03  
14 the Controlled Substances Act. 09:35:06  
15 Q. Okay. So while you were at 09:35:07  
16 Baxter, did you have occasion to become 09:35:08  
17 familiar with any of the regulatory 09:35:10  
18 requirements imposed by the Controlled 09:35:13  
19 Substances Act? 09:35:15  
20 A. No. 09:35:15  
21 Q. Okay. And you were at Baxter 09:35:16  
22 for a couple of years; is that what you 09:35:19  
23 indicated? 09:35:21  
24 A. Yes. 09:35:21  
25 Q. Okay. And where did you go 09:35:21

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1 from Baxter? 09:35:22  
2 A. I went to Baxter, then I moved 09:35:24  
3 to Virginia, and I went to work for McKesson 09:35:29  
4 medical/surgical. 09:35:33  
5 Q. And what was your reason for 09:35:34  
6 leaving Baxter and going to McKesson? 09:35:35  
7 A. My husband retired, and I got 09:35:36  
8 an opportunity at McKesson med/surg. 09:35:39  
9 Q. And what position did you have 09:35:43  
10 at McKesson? 09:35:45  
11 A. Director of marketing. 09:35:45  
12 Q. Okay. Were your 09:35:46  
13 responsibilities at McKesson similar to the 09:35:49  
14 responsibilities you had at Baxter? 09:35:52  
15 A. No, McKesson's different. They 09:35:53  
16 work with the vendors, so my job there was to 09:35:55  
17 work with various vendors to negotiate 09:35:58  
18 contracts, bring in new products, help the 09:36:02  
19 team. Because it was different than the way 09:36:10  
20 McKesson operated because they're a little 09:36:13  
21 more independent, and then worked with them 09:36:15  
22 on understanding how contracts work and 09:36:17  
23 contract administration and chargebacks and 09:36:20  
24 everything else. 09:36:22  
25 So I worked -- I helped the 09:36:23

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1 team work on their programs to improve what 09:36:25  
2 they were doing in Virginia. 09:36:27  
3 Q. Okay. You've used the term 09:36:29  
4 "chargebacks" a couple of times. 09:36:31  
5 What do you mean by chargeback? 09:36:32  
6 A. Well, in the industry, in order 09:36:33  
7 to sell to everybody at a certain price -- 09:36:35  
8 everybody has different prices based on 09:36:39  
9 different terms that they have and what value 09:36:42  
10 they can bring to the company, so you 09:36:44  
11 negotiate with them on pricing. 09:36:45  
12 So CVS and Rite Aid might have 09:36:47  
13 two different prices. Well, McKesson's not 09:36:50  
14 going to know what that pricing -- they're 09:36:53  
15 not going to sell -- we're not going to sell 09:36:55  
16 to McKesson at that. We have to have a 09:36:57  
17 threshold. So wholesale acquisition cost is 09:36:59  
18 that threshold. So everybody buys at one 09:37:01  
19 price for which we can administer contracts. 09:37:04  
20 After that, if we sell to CVS 09:37:07  
21 for a certain price, then -- McKesson might 09:37:10  
22 have paid \$20, but the contract price that 09:37:12  
23 they sell it to CVS for might be 7.50, so 09:37:14  
24 they have to issue a chargeback. They charge 09:37:18  
25 us back for the difference between the list 09:37:21

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1 price of WAC, we call it, and the contract 09:37:22  
2 price. 09:37:25  
3 Q. Okay. And when you were using 09:37:25  
4 the pronoun "us" in that setting, "charge us 09:37:27  
5 back," "us" is the manufacturer? 09:37:32  
6 A. Yes, sir. 09:37:33  
7 Q. Okay. And McKesson was not a 09:37:34  
8 manufacturer when you were there; is that 09:37:37  
9 correct? 09:37:38  
10 A. Correct. 09:37:38  
11 Q. Okay. They were a distributor? 09:37:38  
12 A. However, McKesson had to issue 09:37:43  
13 chargebacks, so we had to set up the system 09:37:55  
14 so that when the vendors needed to get their 09:37:47  
15 money back, we could do that. So we were 09:37:49  
16 working through getting that system set up. 09:37:51  
17 Q. Okay. How long were you at 09:37:57  
18 McKesson? 09:38:01  
19 A. I think I was there two years. 09:38:02  
20 Q. And during your time at 09:38:06  
21 McKesson, did you have occasion to become 09:38:10  
22 familiar with any of the regulatory 09:38:13  
23 requirements under the Controlled Substances 09:38:15  
24 Act? 09:38:16  
25 A. No, we weren't distributing any 09:38:16

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1 controlled substances there. 09:38:19  
2 Q. Okay. 09:38:20  
3 A. That I remember. 09:38:20  
4 Q. Okay. So approximately, just 09:38:21  
5 so we have some dates -- and I realize -- you 09:38:23  
6 know, they don't have to be precise. 09:38:25  
7 Approximately when you were at Baxter and 09:38:27  
8 then at McKesson? 09:38:29  
9 A. I was at McKesson from 1997 -- 09:38:31  
10 wait a minute -- 2007, excuse me, 2007 to 09:38:36  
11 2000 -- let me back up. I have to work 09:38:43  
12 backwards. I'm sorry. 09:38:47  
13 Do you happen to have my 09:38:48  
14 résumé? Because that would help. 09:38:50  
15 Q. I have your -- your offer 09:38:52  
16 letter from Mallinckrodt. 09:38:54  
17 A. Yes. 09:38:57  
18 Q. And I believe it's in 2009, if 09:38:57  
19 that helps. 09:38:59  
20 A. Right. I started at 09:38:59  
21 Mallinckrodt in 2009, and I was with 09:39:01  
22 GeneraMedix from 2004. That's it. So I was 09:39:03  
23 with McKesson from 2002 to 2004, and with 09:39:06  
24 Baxter about 2000 to 2002. 09:39:15  
25 Q. Okay. Great. 09:39:19

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1 And so when you left McKesson, 09:39:20  
2 you went where? 09:39:23  
3 A. To GeneraMedix. 09:39:24  
4 Q. And what position did you hold 09:39:27  
5 there? 09:39:31  
6 A. Vice president of marketing. 09:39:31  
7 Q. And just describe generally 09:39:33  
8 what your responsibilities were at 09:39:41  
9 GeneraMedix. 09:39:43  
10 A. GeneraMedix was a startup 09:39:44  
11 company. It was an injectable company 09:39:44  
12 started by the president -- former president 09:39:46  
13 of Baxter, and so I was helping him set 09:39:47  
14 strategy for the company, what products would 09:39:51  
15 we want to bring in, what customers would we 09:39:53  
16 work with, and, again, reviewing contracts, 09:39:57  
17 setting strategy, pricing, and then mostly 09:40:01  
18 managing the portfolio. 09:40:05  
19 Q. Okay. And how long were you at 09:40:07  
20 GeneraMedix? 09:40:12  
21 A. Five years. 09:40:13  
22 Q. Okay. Until you went to 09:40:14  
23 Mallinckrodt? 09:40:17  
24 A. Correct. 09:40:17  
25 Q. Okay. What was your reason for 09:40:17



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1 leaving McKesson and joining GeneraMedix? 09:40:20

2 A. Because the former president of 09:40:21

3 Baxter called me and asked me if I would be 09:40:23

4 interested with working with him, and it was 09:40:27

5 a startup company, so I had options available 09:40:28

6 to me, which was desirable. 09:40:31

7 Q. Okay. During your time at 09:40:32

8 GeneraMedix, did you have occasion to become 09:40:34

9 familiar with any of the regulatory 09:40:36

10 requirements under the Controlled Substances 09:40:37

11 Act? 09:40:38

12 A. No, we didn't sell any 09:40:38

13 controlled substances. 09:40:40

14 Q. Okay. And in 2009, you left 09:40:42

15 GeneraMedix and joined Mallinckrodt, correct? 09:40:46

16 A. Correct. 09:40:48

17 Q. What was your reason for making 09:40:48

18 that move? 09:40:49

19 A. GeneraMedix sold as a startup, 09:40:50

20 that's what we do, and so they sold the 09:40:53

21 company. I'm from St. Louis, so I got the 09:40:55

22 opportunity to move home and work with 09:40:57

23 Mallinckrodt with my former boss. 09:40:59

24 Q. Okay. Great. 09:41:01

25 (Mallinckrodt-Collier Exhibit 2 09:41:35

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1 marked for identification.) 09:41:36

2 QUESTIONS BY MR. GOTTO: 09:41:36

3 Q. Ms. Collier, we've marked as 09:41:37

4 Exhibit 2 what I believe is a copy of your 09:41:38

5 offer letter from Mallinckrodt. It's a 09:41:45

6 multipage document that begins at 09:41:47

7 MNK-T1\_0007277843. 09:41:51

8 If you could take a moment and 09:41:55

9 look through that document and tell me if you 09:41:56

10 recognize it. 09:42:01

11 A. Yes, I recognize this. 09:42:01

12 Q. Okay. And this was your offer 09:42:06

13 letter when you joined Mallinckrodt? 09:42:07

14 A. Yes. 09:42:08

15 Q. Okay. This indicates your 09:42:09

16 starting salary was an annual salary of 09:42:20

17 \$[REDACTED] when you began. 09:42:23

18 Is that consistent with your 09:42:25

19 recollection? 09:42:26

20 A. Yes. 09:42:26

21 Q. Okay. And you were also 09:42:27

22 eligible to participate in an annual 09:42:30

23 incentive plan, correct? 09:42:33

24 A. Correct. 09:42:34

25 Q. And as well as the company's 09:42:34

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1 long-term incentive plan, correct? 09:42:38

2 A. Correct. 09:42:40

3 Q. How long did you stay at 09:42:40

4 Mallinckrodt? 09:42:44

5 A. Five years. 09:42:44

6 Q. Okay. And I say 09:42:46

7 "Mallinckrodt." I see that the letterhead 09:42:49

8 actually says "Covidien." In 2009, was there 09:42:50

9 a distinction in your mind between 09:42:53

10 Mallinckrodt and Covidien? 09:42:55

11 A. No. Covidien owned 09:42:56

12 Mallinckrodt, and we kept the Mallinckrodt 09:43:00

13 name on the product. 09:43:02

14 Q. Okay. During your period at 09:43:03

15 Mallinckrodt, did your compensation change? 09:43:10

16 A. Yes, it did. 09:43:12

17 Q. And can you describe for me 09:43:13

18 approximately how -- the manners in which it 09:43:15

19 changed? 09:43:18

20 A. Well, I got an increase when I 09:43:18

21 became a senior director of marketing. 09:43:21

22 They -- Mallinckrodt reviewed all the 09:43:23

23 employees and corrected salaries for those 09:43:25

24 that were started at a lower base, and I got 09:43:29

25 moved to be called a senior director. And my 09:43:32

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1 salary eventually, when I left, was 203,000 a 09:43:35

2 year. 09:43:39

3 Q. Okay. When did you become a 09:43:40

4 senior director? 09:43:42

5 A. That had to be probably in 09:43:43

6 2010, 2011 time frame. 09:43:47

7 Q. Were you a corporate officer? 09:43:49

8 A. No, I was not. 09:43:53

9 Q. Were you at any time a member 09:43:54

10 of any committees at Mallinckrodt for any 09:44:01

11 period of time? 09:44:13

12 MR. O'CONNOR: Object to form. 09:44:13

13 THE WITNESS: Probably -- they 09:44:15

14 had a lot of committees, so I guess I 09:44:16

15 would need to understand what 09:44:18

16 specifically you're looking for. 09:44:19

17 QUESTIONS BY MR. GOTTO: 09:44:20

18 Q. Sure. Sure. 09:44:20

19 Any formal committee that met 09:44:21

20 on a regular schedule with agendas, 09:44:28

21 maintained minutes, that sort of thing? 09:44:30

22 A. Most of them were informal 09:44:33

23 committees, and I don't remember them having 09:44:35

24 a lot of committees with minutes. We're kind 09:44:38

25 of not as well-coordinated as we should have 09:44:43



<p style="text-align: right;">Page 46</p> <p>1 been in that effect, but there were 09:44:46</p> <p>2 committees. 09:44:48</p> <p>3 I remember being on the 09:44:49</p> <p>4 committee, for example, we were doing 09:44:51</p> <p>5 serialization. It's a new regulation that's 09:44:56</p> <p>6 come up, and so they asked me to be part of 09:44:59</p> <p>7 that from a customer representative 09:45:01</p> <p>8 perspective. 09:45:03</p> <p>9 So I didn't participate in all 09:45:03</p> <p>10 the meetings, even when I was on committees, 09:45:05</p> <p>11 because I was very busy, and so I asked only 09:45:08</p> <p>12 to be included when it was absolutely 09:45:10</p> <p>13 necessary to include me. 09:45:11</p> <p>14 Q. Okay. Do you recall being on 09:45:13</p> <p>15 any committees, formal or informal, that had 09:45:15</p> <p>16 any responsibilities with respect to 09:45:19</p> <p>17 compliance with any requirements under the 09:45:23</p> <p>18 Controlled Substances Act? 09:45:26</p> <p>19 A. I was on an SOM committee, 09:45:26</p> <p>20 which was about the development of the 09:45:30</p> <p>21 suspicious order monitoring, as a peripheral 09:45:33</p> <p>22 partner on that. 09:45:38</p> <p>23 Q. And what do you mean by that? 09:45:39</p> <p>24 A. It means that I offered advice 09:45:41</p> <p>25 on customer reporting, customer information, 09:45:44</p>	<p style="text-align: right;">Page 48</p> <p>1 receive a chargeback or not receive a 09:46:47</p> <p>2 chargeback in certain instances. 09:46:49</p> <p>3 Q. Okay. And did you have an 09:46:51</p> <p>4 understanding as to the interplay between 09:46:54</p> <p>5 chargebacks and the suspicious order 09:47:00</p> <p>6 monitoring program? 09:47:03</p> <p>7 MR. O'CONNOR: Object to form. 09:47:03</p> <p>8 THE WITNESS: Yes. 09:47:05</p> <p>9 QUESTIONS BY MR. GOTTO: 09:47:06</p> <p>10 Q. And what was that? 09:47:07</p> <p>11 A. What was -- I'm sorry, please 09:47:08</p> <p>12 explain your question. 09:47:12</p> <p>13 Q. Sure. 09:47:13</p> <p>14 You mentioned in terms of -- 09:47:13</p> <p>15 part of the information you provided to the 09:47:16</p> <p>16 SOM committee that you were part of related 09:47:18</p> <p>17 to the chargeback process, and so my question 09:47:21</p> <p>18 was what your understanding was of the 09:47:24</p> <p>19 interplay between the chargeback process and 09:47:26</p> <p>20 the SOM process. 09:47:28</p> <p>21 MR. O'CONNOR: Same objection. 09:47:30</p> <p>22 THE WITNESS: I honestly don't 09:47:30</p> <p>23 know, because I would explain to them 09:47:32</p> <p>24 how it worked and what we could 09:47:34</p> <p>25 possibly -- information we could pull, 09:47:36</p>
<p style="text-align: right;">Page 47</p> <p>1 but I was not part of the establishment of 09:45:48</p> <p>2 rules, policies, things of that nature. 09:45:52</p> <p>3 Q. Okay. And do you recall 09:45:55</p> <p>4 approximately when you were on that 09:45:57</p> <p>5 committee? 09:45:58</p> <p>6 A. Probably 2012 or 2013. 09:45:59</p> <p>7 Q. Okay. For approximately what 09:46:05</p> <p>8 period of time, if you recall? 09:46:08</p> <p>9 A. I don't recall. 09:46:09</p> <p>10 Q. Okay. Did you attend meetings 09:46:11</p> <p>11 of that committee? 09:46:13</p> <p>12 A. Yes. 09:46:14</p> <p>13 Q. Okay. And you indicated you 09:46:16</p> <p>14 offered advice on customer reporting and 09:46:18</p> <p>15 customer information. 09:46:20</p> <p>16 What sort of advice can you 09:46:21</p> <p>17 recall offering? 09:46:24</p> <p>18 A. Well, we would get IMS data, 09:46:24</p> <p>19 which is industry reporting, so we could pull 09:46:29</p> <p>20 industry reporting data in certain formats. 09:46:31</p> <p>21 I understood how the chargeback 09:46:35</p> <p>22 process worked. Not necessarily had 09:46:38</p> <p>23 responsibility for the chargebacks, but I 09:46:40</p> <p>24 understood how the process worked. So I 09:46:43</p> <p>25 would offer guidance on that on why we would 09:46:45</p>	<p style="text-align: right;">Page 49</p> <p>1 and then it was up to the SOM team to 09:47:38</p> <p>2 decide how to use that data and what 09:47:40</p> <p>3 to look at. 09:47:42</p> <p>4 QUESTIONS BY MR. GOTTO: 09:47:43</p> <p>5 Q. Okay. And so did you provide 09:47:43</p> <p>6 that information with respect to the 09:47:45</p> <p>7 chargeback process pursuant to a request you 09:47:46</p> <p>8 received from the committee? 09:47:51</p> <p>9 A. No, actually some of that was 09:47:52</p> <p>10 volunteered earlier on. 09:47:54</p> <p>11 Q. Okay. And what was your 09:47:57</p> <p>12 reasoning for volunteering that information 09:47:58</p> <p>13 to the SOM committee? 09:48:00</p> <p>14 A. Because during the Sunrise 09:48:01</p> <p>15 Medical -- there were rumors that Sunrise 09:48:06</p> <p>16 Medical had a problem with the DEA, and one 09:48:10</p> <p>17 of my employees was able to -- I don't want 09:48:11</p> <p>18 to say it's a backdoor, but she got into the 09:48:16</p> <p>19 system, or hacked, I don't know how you say 09:48:20</p> <p>20 it, but she figured out a way to get into the 09:48:21</p> <p>21 contract admin system and pull reports and 09:48:26</p> <p>22 look for specific -- very specific data 09:48:27</p> <p>23 related to Sunrise. 09:48:29</p> <p>24 And so when we showed that to 09:48:30</p> <p>25 the compliance team, they asked us, how can 09:48:35</p>

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1 we do this on a regular basis, what 09:48:40  
2 information you get, how do we pull 09:48:42  
3 information. 09:48:44  
4 And so we provided them 09:48:44  
5 guidance because we certainly couldn't do it 09:48:46  
6 ourselves on a regular basis. It was just 09:48:48  
7 too much data. 09:48:51  
8 Q. And so which employee was it 09:48:51  
9 who got this Sunrise data? 09:48:53  
10 A. Kate Neely. Kate Muhlenkamp at 09:48:55  
11 the time. 09:49:02  
12 Q. Okay. That's the same person, 09:49:02  
13 Kate Neely? 09:49:03  
14 A. Yes. 09:49:06  
15 Q. Okay. Great. 09:49:07  
16 So Ms. Neely -- you used the 09:49:09  
17 word "hacked." I'm sure you didn't mean to 09:49:12  
18 suggest she did anything improper? 09:49:15  
19 A. Not illegal, but, yeah, just 09:49:16  
20 outside company norms. 09:49:18  
21 Q. Okay. So the information that 09:49:20  
22 she obtained was information that 09:49:22  
23 Mallinckrodt maintained internally, correct? 09:49:24  
24 A. It was -- yes, it was in the 09:49:26  
25 system. 09:49:27

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1 Q. And do you know how she -- 09:49:28  
2 well, did you instruct her to attempt to 09:49:32  
3 access that information? 09:49:37  
4 MR. O'CONNOR: Object to form. 09:49:38  
5 THE WITNESS: No. 09:49:39  
6 QUESTIONS BY MR. GOTTO: 09:49:39  
7 Q. Do you know -- go ahead. 09:49:40  
8 A. No, I did not instruct her. 09:49:40  
9 Q. Okay. Was it her idea? 09:49:43  
10 A. Yes. 09:49:44  
11 Q. Okay. Do you know how she -- 09:49:45  
12 how she came to believe that that information 09:49:47  
13 might be accessible in some fashion? 09:49:51  
14 A. She may have told me -- 09:49:53  
15 MR. O'CONNOR: Objection. 09:49:53  
16 THE WITNESS: Oh, I'm sorry. 09:49:54  
17 She may have told me, and I 09:49:55  
18 would not remember -- 09:49:57  
19 QUESTIONS BY MR. GOTTO: 09:49:58  
20 Q. Okay. 09:49:58  
21 A. -- what she did because it was 09:49:59  
22 over my head. 09:50:00  
23 Q. Okay. Did she -- before 09:50:01  
24 seeking to access the information, did she 09:50:04  
25 discuss that with you at all? 09:50:06

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1 A. Yes. 09:50:08  
2 Q. Okay. And what can you recall 09:50:10  
3 about her raising that with you? 09:50:13  
4 A. She said, well, I can pull 09:50:14  
5 their chargeback data, but we wouldn't know 09:50:17  
6 what to look for because chargeback data is 09:50:20  
7 voluminous. There's so much information, 09:50:25  
8 unless you're looking specifically for 09:50:26  
9 something at a specific point in time, you're 09:50:27  
10 not going to be able to tease it out. 09:50:30  
11 So she told me this, that she 09:50:33  
12 could get that, but we didn't know what to 09:50:37  
13 look for. So we decided to look for specific 09:50:39  
14 words and query the system for that. 09:50:43  
15 Q. Okay. What types of words did 09:50:45  
16 you look for? 09:50:47  
17 A. "Doctor" or "MD." 09:50:47  
18 Q. Okay. And why did you choose 09:50:49  
19 those words to look for? 09:50:55  
20 A. Because from what we were 09:50:56  
21 reading, it sounded as if Sunrise Medical was 09:50:58  
22 in trouble for selling to doctors in Florida. 09:51:01  
23 And if that's a problem, then we need to 09:51:08  
24 understand that and why. 09:51:10  
25 Q. Okay. And when you say 09:51:11

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1 "reading," do you mean in press accounts? 09:51:13  
2 A. Yes. I don't remember exactly 09:51:15  
3 where the information came from, but I do 09:51:17  
4 remember seeing that they were in trouble for 09:51:19  
5 that. 09:51:21  
6 Q. Okay. Do you recall how the 09:51:22  
7 Sunrise issues with the DEA first came to 09:51:32  
8 your attention? 09:51:34  
9 MR. O'CONNOR: Object to form. 09:51:35  
10 THE WITNESS: I believe they 09:51:37  
11 came from Victor Borelli, one of our 09:51:39  
12 national account managers. 09:51:44  
13 QUESTIONS BY MR. GOTTO: 09:51:45  
14 Q. Okay. So the chargeback data 09:51:48  
15 that Ms. Muhlenkamp was able to access, 09:51:50  
16 what's the nature of the information that's 09:51:56  
17 contained there? 09:51:58  
18 A. From what I know, because it's 09:52:00  
19 limited in the amount of information that I 09:52:04  
20 get, but there's standard forms that are 09:52:07  
21 transferred back and forth between the 09:52:09  
22 wholesaler/distributor and the vendor. And 09:52:11  
23 so from what I've seen, it contains the 09:52:14  
24 customer name, the pharmacy or physician, in 09:52:16  
25 the cases there's a physician dispensing, the 09:52:21

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1 address to which it was shipped, the state, 09:52:30  
2 you know, obviously, in the address, and the 09:52:33  
3 quantity that they purchased and the amount 09:52:34  
4 of the debit memo that they're requesting. 09:52:35  
5 So if there were ten units, then the 09:52:40  
6 chargeback amount was \$10 per unit, then it's 09:52:43  
7 a hundred dollars. 09:52:45  
8 Q. Okay. And again, the "they" in 09:52:46  
9 this context would be the distributor that 09:52:48  
10 was -- 09:52:49  
11 A. And the wholesaler, yes. 09:52:49  
12 Q. Okay. And so it would be data 09:52:51  
13 that would show -- so Mallinckrodt -- let me 09:52:53  
14 back up. Strike that. 09:52:55  
15 So Mallinckrodt's customer in 09:52:56  
16 this setting is a distributor or a 09:52:57  
17 wholesaler, correct? 09:52:59  
18 A. Correct. 09:53:00  
19 Q. And then the chargeback data 09:53:00  
20 would have information regarding whom the 09:53:03  
21 ultimate customer of that wholesaler or 09:53:07  
22 distributor was, correct? 09:53:10  
23 MR. O'CONNOR: Objection. 09:53:11  
24 MS. DURFEE: Objection. 09:53:13  
25 THE WITNESS: I want to be 09:53:14

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1 clear: You don't always know who the 09:53:15  
2 ultimate customer is, so it would 09:53:18  
3 contain information about who 09:53:20  
4 purchased that particular product on 09:53:23  
5 that date. 09:53:25  
6 QUESTIONS BY MR. GOTTO: 09:53:25  
7 Q. Okay. So strike the word 09:53:26  
8 "ultimate" from my question. 09:53:28  
9 The chargeback information 09:53:30  
10 would include information regarding the 09:53:31  
11 identity of the -- of the customer of 09:53:34  
12 Mallinckrodt's customer, correct? 09:53:37  
13 MS. DURFEE: Objection. Form. 09:53:39  
14 THE WITNESS: Yes. 09:53:41  
15 QUESTIONS BY MR. GOTTO: 09:53:41  
16 Q. Okay. And I think we'll look 09:53:42  
17 at some documents in a bit regarding Sunrise. 09:53:49  
18 Do you have a recollection of 09:53:53  
19 the approximate time frame when 09:53:56  
20 Ms. Muhlenkamp accessed this information? 09:53:59  
21 A. I believe it was around 2010. 09:54:01  
22 It was probably in the first half of 2010. 09:54:03  
23 Q. Okay. And do you know if prior 09:54:06  
24 to Ms. Muhlenkamp accessing that information, 09:54:09  
25 do you know if anyone at Mallinckrodt had 09:54:14

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1 previously used chargeback data in connection 09:54:17  
2 with any suspicious order monitoring program? 09:54:20  
3 A. I was not -- 09:54:23  
4 MR. O'CONNOR: Object to form. 09:54:23  
5 THE WITNESS: I was not aware 09:54:24  
6 of that. 09:54:25  
7 QUESTIONS BY MR. GOTTO: 09:54:25  
8 Q. Do you know if there came to be 09:54:29  
9 a time when Mallinckrodt regularly used 09:54:33  
10 chargeback data as part of its suspicious 09:54:36  
11 order monitoring? 09:54:40  
12 A. I was not aware of what 09:54:40  
13 information was used by the SOM team. 09:54:42  
14 Q. Okay. At any time? 09:54:44  
15 A. Right. 09:54:45  
16 Q. Okay. Including when you were 09:54:47  
17 on the committee that you were describing 09:54:48  
18 earlier? 09:54:49  
19 A. Right. They did ask me for 09:54:50  
20 information, but I didn't know if they -- 09:54:52  
21 after that, I gave them guidance, but I don't 09:54:55  
22 know if they used it and I don't -- they 09:54:57  
23 would ask me sometimes for information, but I 09:54:59  
24 don't know what they were using to make 09:55:02  
25 decisions. 09:55:05

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1 Q. Okay. 09:55:06  
2 A. If that makes sense. 09:55:06  
3 Q. Okay. Back on to your offer 09:55:08  
4 letter, Exhibit 2. You described how your 09:55:12  
5 salary changed over time while you were at 09:55:17  
6 Mallinckrodt. 09:55:19  
7 Did the bonus structure change 09:55:20  
8 over time at all as well? 09:55:25  
9 A. My bonus percentage remained 09:55:27  
10 the same, and it fluctuated. 09:55:29  
11 Q. The dollar amount fluctuated? 09:55:32  
12 A. Correct. 09:55:34  
13 Q. Okay. And what were the -- 09:55:35  
14 A. Well, can I correct? 09:55:37  
15 Q. Please. 09:55:38  
16 A. Okay. The dollar amount 09:55:39  
17 fluctuated depending on the overall company 09:55:41  
18 performance. And there was a percentage of 09:55:44  
19 the company performance, but there were other 09:55:46  
20 metrics for -- 09:55:48  
21 Q. Okay. What were the metrics 09:55:50  
22 that came into play in determining your 09:55:51  
23 bonus? 09:55:54  
24 A. Forecast accuracy; the team's 09:55:54  
25 participation in different programs, if we 09:56:01

<p style="text-align: right;">Page 58</p> <p>1 developed good programs that worked well for 09:56:07</p> <p>2 the customer; allocation process, if we 09:56:09</p> <p>3 developed processes that worked well for the 09:56:11</p> <p>4 customers and for Mallinckrodt. 09:56:13</p> <p>5 Q. Okay. Were total sales an 09:56:16</p> <p>6 element of the bonus determination? 09:56:22</p> <p>7 A. Yes. 09:56:24</p> <p>8 Q. Okay. And during your six or 09:56:25</p> <p>9 so years at Mallinckrodt, apart from the 09:56:33</p> <p>10 annual incentive plan and the long-term 09:56:36</p> <p>11 incentive plan, were there any other bonus 09:56:38</p> <p>12 programs that you were eligible to 09:56:41</p> <p>13 participate in? 09:56:42</p> <p>14 A. I received stock options and 09:56:43</p> <p>15 stock grants, but they were not related to 09:56:46</p> <p>16 the team's performance. 09:56:50</p> <p>17 Q. Okay. And what was the basis 09:56:52</p> <p>18 for the stock grants that you received, or 09:56:53</p> <p>19 options? 09:56:57</p> <p>20 A. Honestly, I could never figure 09:56:57</p> <p>21 that out. 09:57:00</p> <p>22 Q. Okay. Okay. You can set that 09:57:01</p> <p>23 aside. 09:57:06</p> <p>24 A. Okay. 09:57:06</p> <p>25 (Mallinckrodt-Collier Exhibit 3 09:57:14</p>	<p style="text-align: right;">Page 60</p> <p>1 time you joined Mallinckrodt? 09:59:30</p> <p>2 MR. O'CONNOR: Object to form. 09:59:31</p> <p>3 THE WITNESS: Yes. Yes, it is. 09:59:32</p> <p>4 QUESTIONS BY MR. GOTTO: 09:59:34</p> <p>5 Q. Okay. And so when you joined 09:59:34</p> <p>6 as director of marketing, did the individuals 09:59:37</p> <p>7 that are listed in the far right column, 09:59:41</p> <p>8 beginning with Kate Muhlenkamp and the names 09:59:43</p> <p>9 under hers, report to you? 09:59:46</p> <p>10 A. Yes, they did. 09:59:48</p> <p>11 Q. Okay. And you reported to 09:59:49</p> <p>12 Mr. Gunning; is that right? 09:59:52</p> <p>13 A. Yes, I did. 09:59:53</p> <p>14 Q. Okay. When you started as 09:59:54</p> <p>15 director of marketing at Mallinckrodt, did 09:59:59</p> <p>16 anyone else report to you other than the 10:00:00</p> <p>17 individuals who are identified in this org 10:00:03</p> <p>18 chart? 10:00:06</p> <p>19 A. I cannot remember because the 10:00:06</p> <p>20 team changed considerably over time, but I 10:00:10</p> <p>21 can't remember at the time when I started if 10:00:14</p> <p>22 it was the same team. 10:00:15</p> <p>23 Q. Okay. Tell me what you can 10:00:17</p> <p>24 recall about the team changing under -- team 10:00:19</p> <p>25 in terms of people who reported to you, 10:00:22</p>
<p style="text-align: right;">Page 59</p> <p>1 marked for identification.) 09:57:14</p> <p>2 QUESTIONS BY MR. GOTTO: 09:57:14</p> <p>3 Q. Ms. Collier, we have marked as 09:57:37</p> <p>4 Exhibit 3 three pages from your personnel 09:57:38</p> <p>5 file beginning at MNK-T1_0007277883. 09:57:44</p> <p>6 The first page appears to be a 09:57:51</p> <p>7 job description with respect to the director 09:57:54</p> <p>8 of marketing position for specialty generics. 09:57:57</p> <p>9 Second page is blank, and the third page is 09:58:00</p> <p>10 an organizational chart. 09:58:03</p> <p>11 Would you take a moment and 09:58:05</p> <p>12 look, and let me know if you recognize those 09:58:06</p> <p>13 documents. 09:58:10</p> <p>14 A. I remember this. 09:58:10</p> <p>15 Q. Okay. If we could just start 09:58:47</p> <p>16 on the third page on the organizational 09:59:04</p> <p>17 chart. 09:59:06</p> <p>18 On this chart, the director of 09:59:09</p> <p>19 marketing position is indicated as open. I 09:59:15</p> <p>20 take it this was before you joined the 09:59:18</p> <p>21 company. 09:59:20</p> <p>22 Can you otherwise review the 09:59:21</p> <p>23 chart and tell me if this is consistent with 09:59:24</p> <p>24 your recollection of the organization of the 09:59:26</p> <p>25 generic sales and marketing department at the 09:59:28</p>	<p style="text-align: right;">Page 61</p> <p>1 directly or indirectly, how that changed over 10:00:24</p> <p>2 time, any particular personnel changes. 10:00:27</p> <p>3 And again, I realize it's a 10:00:29</p> <p>4 several-year period and there were probably 10:00:32</p> <p>5 multiple changes, so I'm not expecting a 10:00:34</p> <p>6 complete and comprehensive list, but whatever 10:00:36</p> <p>7 comes to your mind in terms of changes in the 10:00:39</p> <p>8 team over time, if you could describe those. 10:00:41</p> <p>9 A. Okay. 10:00:43</p> <p>10 MR. O'CONNOR: Object to form. 10:00:43</p> <p>11 THE WITNESS: Kate ended up 10:00:43</p> <p>12 leaving the company, and she was the 10:00:47</p> <p>13 product manager. At one point she had 10:00:48</p> <p>14 another employee, Lisa Lundergan, 10:00:50</p> <p>15 reporting to her, who is now Lisa 10:00:54</p> <p>16 Cardetti. 10:00:56</p> <p>17 We added analytical people to 10:00:57</p> <p>18 the team, and I terminated Penny and 10:01:04</p> <p>19 Margie and moved their products to 10:01:12</p> <p>20 other people. 10:01:16</p> <p>21 QUESTIONS BY MR. GOTTO: 10:01:17</p> <p>22 Q. What was the reason for those 10:01:18</p> <p>23 terminations? 10:01:20</p> <p>24 A. Ineffective. 10:01:20</p> <p>25 Q. And do you recall when 10:01:21</p>



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1 Ms. Muhlenkamp left Mallinckrodt? 10:01:25  
2 A. It was probably 2012 or 2013. 10:01:27  
3 Q. Okay. And did someone else 10:01:33  
4 take her position after she left? 10:01:34  
5 A. Yes. Lisa Cardetti. 10:01:37  
6 Q. Okay. So -- and Ms. Cardetti 10:01:39  
7 had previously reported to Ms. Muhlenkamp? 10:01:41  
8 A. Correct. 10:01:44  
9 Q. Okay. Do you recall what the 10:01:45  
10 reasons were for Ms. Muhlenkamp -- or at 10:01:47  
11 least what your understanding was as for the 10:01:50  
12 reasons for her leaving? 10:01:52  
13 MR. O'CONNOR: Object to form. 10:01:52  
14 THE WITNESS: The reason she 10:01:53  
15 told us is that she wanted to move up 10:01:56  
16 in an organization, and she left for a 10:01:59  
17 better opportunity. 10:02:02  
18 QUESTIONS BY MR. GOTTO: 10:02:03  
19 Q. Okay. Did you perform any 10:02:03  
20 periodic evaluation or review of the job 10:02:09  
21 performance of the individuals that reported 10:02:12  
22 to you? 10:02:14  
23 A. Yes, I did. 10:02:18  
24 Q. And you indicated that you 10:02:19  
25 terminated some individuals from being 10:02:21

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1 ineffective. 10:02:22  
2 Apart from them, do you recall 10:02:23  
3 any other situations in which you felt that 10:02:24  
4 the job performance of any of the individuals 10:02:30  
5 that reported to you was unsatisfactory? 10:02:33  
6 A. I can't recall that because 10:02:37  
7 this is an incomplete list. 10:02:44  
8 Oh, yes, actually, I do 10:02:46  
9 remember one. Thomas Brown. 10:02:47  
10 Q. Okay. What can you recall 10:02:49  
11 about that? 10:02:52  
12 A. Thomas Brown was hired as the 10:02:52  
13 communications support to work for -- with us 10:02:54  
14 on trade shows and the programs that I said 10:02:57  
15 that we developed for customers, and just 10:03:00  
16 take some of the pressure off the product 10:03:04  
17 managers for any materials, any support that 10:03:06  
18 he could provide, and he did not provide that 10:03:10  
19 level of support. 10:03:12  
20 Q. Okay. Any other examples that 10:03:14  
21 come to your mind of individuals who you felt 10:03:17  
22 their job performance was unsatisfactory? 10:03:19  
23 A. No. 10:03:22  
24 Q. Okay. How about 10:03:23  
25 Ms. Muhlenkamp, did you -- what was your 10:03:24

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1 general opinion of her job performance? 10:03:26  
2 A. She was an excellent employee 10:03:28  
3 and very, very bright. 10:03:30  
4 Q. Okay. And judging from this 10:03:32  
5 org chart, she had been at Mallinckrodt 10:03:35  
6 before you joined, correct? 10:03:37  
7 A. Yes. 10:03:38  
8 Q. Do you know how long she had 10:03:38  
9 been there? 10:03:40  
10 A. No. 10:03:40  
11 Q. Okay. And I take it 10:03:40  
12 Ms. Cardetti joined Mallinckrodt sometime 10:03:47  
13 after you did, judging from her absence on 10:03:50  
14 this org chart; is that right? 10:03:52  
15 A. No, she was working in another 10:03:54  
16 department. 10:03:56  
17 Q. Okay. 10:03:57  
18 A. And we brought her over for 10:03:57  
19 analytics. 10:03:59  
20 Q. Okay. And then she took 10:04:00  
21 Ms. Muhlenkamp's position when Ms. Muhlenkamp 10:04:02  
22 left. 10:04:05  
23 And did she stay in that 10:04:05  
24 position for the balance of your tenure at 10:04:07  
25 Mallinckrodt? 10:04:09

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1 A. No, she went into a national 10:04:10  
2 account manager role. 10:04:12  
3 Q. Okay. And who took that 10:04:13  
4 position, her position, under you at that 10:04:16  
5 point? 10:04:19  
6 A. We had hired another product 10:04:19  
7 manager, Jennifer Block, to work for us at 10:04:22  
8 the time. And so Jennifer was also another 10:04:25  
9 product manager that worked during that 10:04:28  
10 period, so we just realigned the products. 10:04:29  
11 Q. Okay. And approximately when 10:04:32  
12 did Ms. Cardetti leave your team? 10:04:33  
13 A. Probably 2014 -- 2015. 10:04:38  
14 Q. Okay. 10:04:43  
15 A. 2014, 2015, sometime there. 10:04:43  
16 Q. Okay. Did there come to be a 10:04:45  
17 time when Mr. Vorderstrasse was on your team? 10:04:47  
18 A. Yes. 10:04:51  
19 Q. When was that? 10:04:51  
20 A. I don't recall when he came on 10:04:53  
21 board. I'm sorry, I barely remember my own 10:04:59  
22 dates, let alone all the employees. 10:05:01  
23 Q. I understand. 10:05:03  
24 What position did he hold? 10:05:04  
25 A. Kevin was in charge of the 10:05:06



<p style="text-align: right;">Page 66</p> <p>1 analytical team, and he helped -- because he 10:05:09</p> <p>2 was a big data mining person, so he could do 10:05:13</p> <p>3 that. He also helped with business 10:05:17</p> <p>4 development, which meant deciding what 10:05:20</p> <p>5 products to go pursue if we wanted to 10:05:23</p> <p>6 continue our pipeline growth. 10:05:25</p> <p>7 Q. Okay. So -- 10:05:25</p> <p>8 A. And he also launched a drug for 10:05:27</p> <p>9 us, so... 10:05:29</p> <p>10 Q. Okay. What drug was that? 10:05:30</p> <p>11 A. Methylphenidate. It's a 10:05:31</p> <p>12 Concerta. 10:05:34</p> <p>13 Q. Okay. So looking back at the 10:05:35</p> <p>14 org chart, this part of Exhibit 3, 10:05:38</p> <p>15 Ms. Muhlenkamp is identified as a product 10:05:43</p> <p>16 manager, as is Marock Montgomery? 10:05:45</p> <p>17 A. It's actually Marc. 10:05:51</p> <p>18 Q. Marc? 10:05:51</p> <p>19 A. That's a typo. 10:05:52</p> <p>20 Q. Okay. How were -- how were 10:05:58</p> <p>21 the -- how did their responsibilities differ? 10:06:00</p> <p>22 A. They each had different 10:06:03</p> <p>23 products that they were responsible for. 10:06:05</p> <p>24 Q. Okay. And what products do you 10:06:06</p> <p>25 recall Ms. Muhlenkamp being responsible for? 10:06:10</p>	<p style="text-align: right;">Page 68</p> <p>1 managers -- well, multiple product managers 10:07:24</p> <p>2 reporting to you throughout your time, 10:07:26</p> <p>3 correct? 10:07:27</p> <p>4 A. Correct. 10:07:27</p> <p>5 Q. And did each of them have 10:07:28</p> <p>6 responsibility for discrete products? 10:07:32</p> <p>7 A. Yes. 10:07:34</p> <p>8 Q. Okay. And so did 10:07:36</p> <p>9 Mr. Vorderstrasse, for example, have 10:07:39</p> <p>10 responsibility for discrete products? 10:07:41</p> <p>11 A. Yes, he did. 10:07:42</p> <p>12 Q. Okay. Now, when you came to 10:07:44</p> <p>13 Mallinckrodt -- well, let's look at page 1 10:07:52</p> <p>14 of -- the first page, rather, of Exhibit 3, 10:07:56</p> <p>15 which the top-half of the page has eight 10:07:59</p> <p>16 numbered items which appear to be a 10:08:05</p> <p>17 description of the role and responsibility of 10:08:08</p> <p>18 the -- of the director of marketing for 10:08:10</p> <p>19 specialty generics. So I'd like to go 10:08:13</p> <p>20 through those with you and understand if, in 10:08:15</p> <p>21 fact, those were your roles and 10:08:20</p> <p>22 responsibilities and what you did in these 10:08:22</p> <p>23 regards. 10:08:24</p> <p>24 Let me begin by asking what -- 10:08:24</p> <p>25 specialty generics, what did you understand 10:08:32</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Oxycodone, oxy APAP. Marc had 10:06:11</p> <p>2 hydrocodone at the time. We had mixed salts, 10:06:17</p> <p>3 and I know Marc was responsible for that, but 10:06:26</p> <p>4 I don't remember exactly how the products 10:06:30</p> <p>5 lined up after that. 10:06:31</p> <p>6 Q. Okay. And then you indicated 10:06:33</p> <p>7 Mr. Vorderstrasse had particular 10:06:39</p> <p>8 responsibility for analytics. 10:06:42</p> <p>9 Was there any similar division 10:06:43</p> <p>10 of responsibilities before he joined the 10:06:45</p> <p>11 team, where one of the product managers had a 10:06:48</p> <p>12 particular responsibility for analytics? 10:06:51</p> <p>13 MR. O'CONNOR: Object to form. 10:06:53</p> <p>14 THE WITNESS: That is a very 10:06:54</p> <p>15 broad question because they each -- 10:06:56</p> <p>16 everyone on the team has to do some 10:07:00</p> <p>17 form of analytics, so I'm not sure 10:07:05</p> <p>18 what you're asking for. 10:07:07</p> <p>19 QUESTIONS BY MR. GOTTO: 10:07:08</p> <p>20 Q. Okay. I was just trying to 10:07:08</p> <p>21 understand if the nature of the -- let me ask 10:07:10</p> <p>22 the question this way. 10:07:11</p> <p>23 Throughout your time as 10:07:12</p> <p>24 director of marketing at Mallinckrodt, was it 10:07:13</p> <p>25 the case that you had one or more product 10:07:16</p>	<p style="text-align: right;">Page 69</p> <p>1 that phrase to means? 10:08:34</p> <p>2 A. It means different things to 10:08:35</p> <p>3 different people. At Mallinckrodt they meant 10:08:36</p> <p>4 that it was just a niche, that not everyone 10:08:39</p> <p>5 can produce and sell in a certain area. 10:08:42</p> <p>6 Q. Okay. Did Mallinckrodt 10:08:43</p> <p>7 manufacture other generic drugs that it did 10:08:46</p> <p>8 not categorize as specialty generics? 10:08:49</p> <p>9 A. No, because they use that as an 10:08:51</p> <p>10 umbrella comment. 10:08:57</p> <p>11 Q. Okay. So specialty generics, 10:08:57</p> <p>12 in the Mallinckrodt setting, anyway, meant 10:08:58</p> <p>13 all generics that Mallinckrodt was 10:09:00</p> <p>14 manufacturing? 10:09:01</p> <p>15 A. Correct. 10:09:01</p> <p>16 Q. Okay. So I take it when you 10:09:05</p> <p>17 became director of marketing, you needed to 10:09:09</p> <p>18 become familiar with Mallinckrodt's product 10:09:12</p> <p>19 line in the generic area, correct? 10:09:14</p> <p>20 A. Correct. 10:09:16</p> <p>21 Q. And so what did you do to 10:09:16</p> <p>22 become familiar with what Mallinckrodt 10:09:17</p> <p>23 manufactured and sold, the generics that they 10:09:21</p> <p>24 manufactured and sold? 10:09:24</p> <p>25 A. Met with the product managers 10:09:25</p>

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1 to understand their products, looked at IMS 10:09:27  
2 data to understand the sales, the 10:09:30  
3 competitors. I sat with different team 10:09:34  
4 members in different parts of the 10:09:36  
5 organization, such as logistics, to 10:09:38  
6 understand how products were being shipped, 10:09:41  
7 and did a tour of our warehouse -- not 10:09:43  
8 warehouse -- manufacturing site up in Hobart 10:09:47  
9 at one point. 10:09:49  
10 Q. Okay. Before we get into the 10:09:50  
11 individual items listed in paragraphs 1 to 8 10:09:59  
12 here, when you joined Mallinckrodt, were 10:10:03  
13 there aspects of the director of marketing 10:10:05  
14 job that you were taking that you felt were 10:10:11  
15 different from the responsibilities you had 10:10:17  
16 had at prior employers? 10:10:20  
17 MR. O'CONNOR: Object to form. 10:10:23  
18 THE WITNESS: Not really. The 10:10:23  
19 responsibilities are similar across 10:10:28  
20 any company. They were the same type 10:10:30  
21 of job. 10:10:35  
22 QUESTIONS BY MR. GOTTO: 10:10:35  
23 Q. Okay. Now, Mallinckrodt 10:10:36  
24 obviously was engaged in the manufacture and 10:10:40  
25 sale of a variety of scheduled 10:10:43

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1 pharmaceuticals under the Controlled 10:10:47  
2 Substances Act, correct? 10:10:48  
3 A. Correct. 10:10:49  
4 Q. And that was somewhat different 10:10:49  
5 from your prior experience, correct? 10:10:51  
6 A. Yes. 10:10:53  
7 Q. And did you undertake any 10:10:54  
8 effort to become familiar with any of the 10:10:57  
9 regulatory requirements imposed by the 10:11:00  
10 Controlled Substances Act when you joined 10:11:03  
11 Mallinckrodt? 10:11:04  
12 MR. O'CONNOR: Object to form. 10:11:04  
13 THE WITNESS: My familiarity 10:11:06  
14 ran to that I knew things had to be 10:11:08  
15 ordered using a 222 form. Customers 10:11:11  
16 couldn't just place an order and 10:11:13  
17 expect to get it like any other drug 10:11:14  
18 product. So there were some things 10:11:16  
19 that I was already familiar with. 10:11:18  
20 I'm not familiar with the 10:11:21  
21 regulations of the Controlled 10:11:23  
22 Substances Act, so I have no idea of 10:11:26  
23 them. I'm not a specialist in that. 10:11:28  
24 QUESTIONS BY MR. GOTTO: 10:11:29  
25 Q. Okay. 10:11:30

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1 A. So I can't say if I understood 10:11:30  
2 any of that or not. 10:11:32  
3 Q. Okay. So when you say you were 10:11:32  
4 already familiar with, for example, the 222 10:11:34  
5 form, that was from prior employment you were 10:11:36  
6 familiar with that? 10:11:37  
7 A. Correct. 10:11:38  
8 Q. Okay. Although in your prior 10:11:39  
9 employment I think you had indicated you had 10:11:43  
10 little -- 10:11:45  
11 A. At Schein, I did. 10:11:45  
12 Q. I'm sorry? 10:11:46  
13 A. At Schein Pharmaceutical. 10:11:48  
14 Q. Okay. So going back to your 10:11:48  
15 time at Schein, you developed that 10:11:50  
16 familiarity? 10:11:52  
17 A. Uh-huh. 10:11:52  
18 Q. Was there any training that you 10:11:53  
19 received at Mallinckrodt with respect to 10:11:58  
20 the -- any requirements under the Controlled 10:12:02  
21 Substances Act? 10:12:04  
22 A. Not that I recall. 10:12:04  
23 Q. Okay. And you indicated a 10:12:07  
24 little earlier that -- go ahead. 10:12:09  
25 A. Well, I'm sorry. Are you 10:12:10

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1 referring to when I was being hired? 10:12:12  
2 Q. Well, let's start with that, 10:12:15  
3 and then you can tell me also in the future 10:12:17  
4 whether you received any such training. 10:12:21  
5 A. Okay. When I was hired, I did 10:12:22  
6 not receive any training specific to here's 10:12:24  
7 the Controlled Substances Act, here's what it 10:12:29  
8 is. I had familiarity with it as far as like 10:12:31  
9 222 forms and that you can't just be shipping 10:12:35  
10 product anywhere to anybody. 10:12:37  
11 The -- I gained additional 10:12:40  
12 knowledge while I worked at Mallinckrodt 10:12:44  
13 through Karen Harper giving sessions to the 10:12:46  
14 team about what it is and -- not what the Act 10:12:50  
15 is in particular, but what we should be doing 10:12:53  
16 from our end. 10:12:57  
17 Q. Okay. You had indicated a 10:12:59  
18 little earlier today in terms of your general 10:13:04  
19 education that you had occasion to 10:13:06  
20 participate in various types of continuing 10:13:07  
21 education programs over the years. 10:13:09  
22 Did any of those programs 10:13:11  
23 address in any way requirements under the 10:13:14  
24 Controlled Substances Act? 10:13:17  
25 A. No. 10:13:19

<p style="text-align: right;">Page 74</p> <p>1 Q. Okay. But Ms. Harper conducted 10:13:20  2 programs from time to time, I take it, at 10:13:24  3 Mallinckrodt that addressed certain aspects 10:13:26  4 of the Controlled Substances Act? 10:13:28  5 A. From how it impacted the 10:13:29  6 commercial aspect of the business and what we 10:13:32  7 needed to do, yes. 10:13:34  8 MR. GOTTO: Okay. All right. 10:13:37  9 Well, why don't we take a break. 10:13:37  10 We've been going for about an hour. 10:13:40  11 VIDEOGRAPHER: We are going off 10:13:41  12 the record at 10:13 a.m. 10:13:42  13 (Off the record at 10:13 a.m.) 10:13:44  14 VIDEOGRAPHER: We are back on 10:30:20  15 the record at 10:30 a.m. 10:30:22  16 QUESTIONS BY MR. GOTTO: 10:30:23  17 Q. Welcome back, Ms. Collier. 10:30:27  18 A. Thank you. 10:30:28  19 Q. Before the break, we had marked 10:30:28  20 as Exhibit 3 a document that included the job 10:30:31  21 description director of marketing. I'd like 10:30:36  22 to go through some of those items in some 10:30:39  23 more detail. 10:30:41  24 Before I do, who had been your 10:30:42  25 predecessor at Mallinckrodt as director of 10:30:46</p>	<p style="text-align: right;">Page 76</p> <p>1 A. July 29, 2009. 10:31:43  2 Q. Okay. Okay. Well, let's look 10:31:47  3 at Exhibit 3 for a moment under the heading 10:31:48  4 of director of marketing, specialty generics. 10:31:50  5 Item Number 1 is "oversee the 10:31:53  6 management of generic products by developing 10:31:56  7 financially sound business plans." 10:31:58  8 Tell me what -- well, first of 10:32:01  9 all, during your time as director of 10:32:09  10 marketing, did you develop business plans for 10:32:10  11 the generic products? 10:32:12  12 A. Yes, I did. 10:32:13  13 Q. Were there separate plans for 10:32:14  14 different products, or how did that work? 10:32:15  15 A. Each product had a separate 10:32:18  16 plan, separate market share, because each had 10:32:20  17 different competitors. 10:32:22  18 Q. Okay. And so the components of 10:32:24  19 the business plan for a generic product would 10:32:26  20 consist of what? 10:32:30  21 A. It would consist of reviewing 10:32:31  22 historical sales, what sales projections 10:32:33  23 there are, what new products we anticipated 10:32:35  24 to launch, any additional customer programs 10:32:38  25 we intended to implement, any problems we had 10:32:40</p>
<p style="text-align: right;">Page 75</p> <p>1 marketing; do you know? 10:30:49  2 A. Jeff Burd. 10:30:50  3 Q. And did Mr. Burd leave 10:30:51  4 Mallinckrodt? 10:30:54  5 A. Yes, he did. 10:30:54  6 Q. And did you -- was there any 10:30:56  7 sort of transition from Mr. Burd to you in 10:31:01  8 terms of any meetings or transfer of 10:31:03  9 information from him to you? 10:31:07  10 A. No, he was gone before I was 10:31:09  11 hired. 10:31:11  12 Q. Okay. Did you have access to 10:31:11  13 any materials that he had prepared to assist 10:31:15  14 the incoming director of marketing in 10:31:18  15 transition? 10:31:21  16 A. Most of his files were -- I 10:31:22  17 don't remember seeing any of his files. They 10:31:26  18 probably weren't going to be relevant to me 10:31:27  19 because it was old data. 10:31:29  20 But I mostly got my information 10:31:31  21 from working with the product managers in 10:31:33  22 what the process had been about product 10:31:35  23 forecasting and product management. 10:31:37  24 Q. Okay. And you started at 10:31:40  25 Mallinckrodt in mid-2009; is that right? 10:31:41</p>	<p style="text-align: right;">Page 77</p> <p>1 within the past year regarding such thing as 10:32:43  2 quota allocation, inventory management 10:32:45  3 issues, manufacturing issues, and how do we 10:32:49  4 address those going forward. 10:32:52  5 Q. Okay. When you say "quota 10:32:54  6 allocation," what do you mean by that? 10:32:57  7 A. The DEA allots quota based on 10:32:58  8 some criteria, and we may not get everything 10:33:02  9 we need to supply our customers throughout 10:33:05  10 the year. 10:33:07  11 Q. Okay. And do you -- were you 10:33:08  12 involved in the process of applying for or 10:33:12  13 requesting quota from the DEA from time to 10:33:17  14 time? 10:33:20  15 A. The only aspect that I was 10:33:20  16 involved in is occasionally they would ask if 10:33:23  17 we picked up new business, and the customers 10:33:26  18 had to provide a letter saying that it was 10:33:28  19 new business that we secured from a 10:33:29  20 competitor, and therefore the DEA would 10:33:31  21 switch the quota from the competitor to us. 10:33:33  22 I'm not sure of the process or 10:33:35  23 how the request was made. I just was 10:33:37  24 supplied the information by the customer. 10:33:39  25 Q. Okay. And who would request 10:33:42</p>

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1 that information from you regarding the 10:33:43  
2 customer? 10:33:45  
3 A. Karen Harper. 10:33:45  
4 Q. And so in formulating the 10:33:47  
5 business plans for the different products, 10:33:56  
6 one of the -- one of the issues you had to 10:33:58  
7 deal with was quota allocation, correct? 10:34:03  
8 A. Correct. 10:34:05  
9 Q. And so the DEA quota, did you 10:34:06  
10 have an understanding as to how that quota 10:34:09  
11 was granted in terms of its applicability to 10:34:13  
12 various of the products? 10:34:21  
13 MR. O'CONNOR: Object to form. 10:34:23  
14 THE WITNESS: The only thing I 10:34:24  
15 was aware of is that they would give 10:34:27  
16 quota based on historical sales. I 10:34:28  
17 have no idea how that was derived or 10:34:30  
18 who set that quota or how Mallinckrodt 10:34:33  
19 played a role in that. 10:34:36  
20 QUESTIONS BY MR. GOTTO: 10:34:37  
21 Q. Okay. And so the quota, did 10:34:38  
22 you understand it to be -- to be applicable 10:34:39  
23 to each particular molecule of controlled 10:34:42  
24 substance? 10:34:45  
25 A. Correct. 10:34:45

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1 Q. And did you understand -- did 10:34:46  
2 you have an understanding as to whether there 10:34:49  
3 was quota for a particular dosage of that 10:34:51  
4 molecule? 10:34:54  
5 MR. O'CONNOR: Object to form. 10:34:55  
6 THE WITNESS: No. 10:34:56  
7 QUESTIONS BY MR. GOTTO: 10:34:57  
8 Q. Okay. You didn't have an 10:34:58  
9 understanding one way or the other on that? 10:35:00  
10 A. I'm sorry, no, I do not believe 10:35:01  
11 that it was per molecule. 10:35:03  
12 Q. Okay. 10:35:05  
13 A. It was just to the molecule, 10:35:05  
14 not to the dosage form or the strength. 10:35:08  
15 Q. Okay. And so in terms of 10:35:11  
16 formulating business plans for the different 10:35:13  
17 products, did you have a different business 10:35:15  
18 plan for different dosage and strength of the 10:35:18  
19 same molecule? 10:35:22  
20 A. Not typically. Typically you 10:35:23  
21 would have it just for the molecule itself. 10:35:26  
22 Q. Okay. So, for example, with 10:35:28  
23 oxycodone, when you -- when you joined 10:35:35  
24 Mallinckrodt, would you have a single 10:35:38  
25 business plan for oxycodone? 10:35:39

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1 A. Yes. The exception in 10:35:41  
2 oxycodone is that we had a 5 milligram and 10:35:44  
3 not everyone had that. Not all competitors 10:35:46  
4 had it, so that would call out for something 10:35:49  
5 different. 10:35:51  
6 Q. So you had a separate business 10:35:51  
7 plan on the 5 milligram? 10:35:53  
8 A. Right. A separate projection 10:35:54  
9 of market share percentage, because obviously 10:35:56  
10 there were fewer competitors. 10:35:58  
11 Q. Okay. But in terms of the 10:36:00  
12 quota from the DEA, your understanding was 10:36:02  
13 there was a single quota that Mallinckrodt 10:36:05  
14 had for oxycodone in whatever dosage and 10:36:07  
15 strength it chose to manufacture and sell, 10:36:10  
16 correct? 10:36:12  
17 A. Correct. 10:36:13  
18 MR. O'CONNOR: Object to form. 10:36:13  
19 THE WITNESS: Correct. 10:36:14  
20 QUESTIONS BY MR. GOTTO: 10:36:15  
21 Q. Okay. So, for example, 10:36:22  
22 oxycodone 15 milligram versus 30 milligram, 10:36:23  
23 were there separate business plans for those 10:36:27  
24 two dosages? 10:36:29  
25 A. I don't recall doing separate 10:36:30

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1 business plans for them. 10:36:32  
2 Q. Okay. When you -- when you 10:36:33  
3 started at Mallinckrodt, did you review the 10:36:41  
4 then existing business plans for the various 10:36:46  
5 products that were within the specialty 10:36:49  
6 generics umbrella? 10:36:51  
7 A. When I started, they did not 10:36:52  
8 have a formal business plan. They continued 10:36:55  
9 doing what they were doing as far as product 10:36:58  
10 forecasting and pricing and customer 10:37:02  
11 strategy. 10:37:04  
12 Q. Okay. So Exhibit 3, when 10:37:05  
13 there's a reference to developing financially 10:37:07  
14 sound business plans, was that a new 10:37:10  
15 initiative for the director of marketing when 10:37:14  
16 you joined compared to what Mallinckrodt had 10:37:17  
17 done historically? 10:37:18  
18 A. I think that was the 10:37:19  
19 expectation; it's just that I brought a 10:37:20  
20 formal level to it. 10:37:22  
21 Q. Okay. Item Number 2, "direct 10:37:23  
22 and lead the creation and development of 10:37:30  
23 marketing plans, promotional literature, 10:37:32  
24 product messages/identity and product-related 10:37:35  
25 activities." 10:37:39



<p style="text-align: right;">Page 82</p> <p>1 Does that accurately describe 10:37:41</p> <p>2 an aspect of your responsibilities while you 10:37:45</p> <p>3 were director of marketing? 10:37:49</p> <p>4 A. It's a little vague, but, yes. 10:37:52</p> <p>5 Q. Okay. Well, let's break it 10:37:55</p> <p>6 down a little bit. 10:37:56</p> <p>7 First of all, it makes 10:37:57</p> <p>8 reference to marketing plans. Tell me what 10:37:59</p> <p>9 you understand it to mean -- what you 10:38:03</p> <p>10 understand a marketing plan to mean in this 10:38:05</p> <p>11 context. 10:38:07</p> <p>12 A. A marketing plan would be 10:38:08</p> <p>13 developing the pricing strategy, what target 10:38:09</p> <p>14 customers we wanted, what market share, who 10:38:12</p> <p>15 were the competitors and who would we 10:38:15</p> <p>16 displace in selling product if we wanted to 10:38:17</p> <p>17 gain share. 10:38:20</p> <p>18 Q. Okay. So in terms of gaining 10:38:21</p> <p>19 market share, since it's -- you're in a 10:38:24</p> <p>20 generic industry here, what techniques were 10:38:31</p> <p>21 available to you as a marketing director to 10:38:34</p> <p>22 develop strategies for gaining market share 10:38:39</p> <p>23 with respect to a particular product? 10:38:41</p> <p>24 MR. O'CONNOR: Object to form. 10:38:44</p> <p>25 THE WITNESS: I'm not sure what 10:38:45</p>	<p style="text-align: right;">Page 84</p> <p>1 you to implement to attempt to increase 10:39:48</p> <p>2 market share on a given product? 10:39:51</p> <p>3 A. Well, one of the biggest things 10:39:53</p> <p>4 you would do is differentiate yourself as a 10:39:55</p> <p>5 company, provide better customer service, be 10:39:57</p> <p>6 responsive to customer needs. Communication 10:40:00</p> <p>7 is the biggest, letting them know what's 10:40:02</p> <p>8 going on if there's a product issue, new 10:40:05</p> <p>9 entrants coming, you know, advising them of 10:40:08</p> <p>10 what's going on. So just providing good 10:40:11</p> <p>11 customer service is the bottom line. 10:40:14</p> <p>12 Q. Okay. So when you say 10:40:16</p> <p>13 communicating, letting them know "if there's 10:40:26</p> <p>14 a product issue," are there types of product 10:40:28</p> <p>15 issues you can recall arising during your 10:40:31</p> <p>16 time at Mallinckrodt that you communicated 10:40:34</p> <p>17 with customers on? 10:40:36</p> <p>18 MR. O'CONNOR: Object to form. 10:40:38</p> <p>19 THE WITNESS: Sure. There's 10:40:39</p> <p>20 always problems with supply. Either 10:40:40</p> <p>21 there's a manufacturing issue, it's 10:40:42</p> <p>22 delayed, a raw material issue. 10:40:44</p> <p>23 Advising them on anything that you can 10:40:47</p> <p>24 see might be a long term versus a 10:40:49</p> <p>25 short term and when you can supply the 10:40:52</p>
<p style="text-align: right;">Page 83</p> <p>1 you mean by "techniques." It would be 10:38:46</p> <p>2 evaluating the market, so I'm going to 10:38:49</p> <p>3 answer just what I'm thinking you 10:38:51</p> <p>4 might mean. 10:38:54</p> <p>5 QUESTIONS BY MR. GOTTO: 10:38:55</p> <p>6 Q. Okay. 10:38:55</p> <p>7 A. It would be evaluating the 10:38:56</p> <p>8 market, see who the competitors are, who 10:38:58</p> <p>9 might be entering based on market 10:39:00</p> <p>10 intelligence provided by the national account 10:39:02</p> <p>11 managers or anything we read online from the 10:39:05</p> <p>12 FDA site. So evaluating who might be 10:39:08</p> <p>13 potential threats and who make take our 10:39:12</p> <p>14 business, and if we wanted to retain the 10:39:14</p> <p>15 business or let it go. 10:39:15</p> <p>16 Q. Okay. So in general, generic 10:39:16</p> <p>17 pharmaceuticals, to expand market share -- I 10:39:25</p> <p>18 mean, I'm not in the business, so I'm 10:39:29</p> <p>19 obviously asking you as someone who has spent 10:39:31</p> <p>20 many years at this -- it would seem to be one 10:39:32</p> <p>21 of the things you can do is develop 10:39:36</p> <p>22 strategies to compete on price, correct? 10:39:38</p> <p>23 A. Correct. 10:39:40</p> <p>24 Q. Okay. Apart from competing on 10:39:41</p> <p>25 price, what other strategies are available to 10:39:45</p>	<p style="text-align: right;">Page 85</p> <p>1 product again. 10:40:54</p> <p>2 QUESTIONS BY MR. GOTTO: 10:40:55</p> <p>3 Q. Okay. So back to my question 10:40:55</p> <p>4 on, you know, techniques to increase market 10:41:04</p> <p>5 share, competing on price being one, 10:41:08</p> <p>6 excellent customer service of the type you 10:41:11</p> <p>7 described being another. 10:41:13</p> <p>8 Are there other approaches 10:41:14</p> <p>9 available to you as a director of marketing 10:41:18</p> <p>10 to try to increase market share with respect 10:41:20</p> <p>11 to a given product? 10:41:23</p> <p>12 A. Sure. There's -- the customers 10:41:24</p> <p>13 have incentive programs in place, and so 10:41:28</p> <p>14 participating in their incentive programs 10:41:30</p> <p>15 that help them achieve their corporate goals 10:41:33</p> <p>16 is one. So it still goes back to price, 10:41:35</p> <p>17 because you're still going to price them 10:41:38</p> <p>18 appropriately for the market. 10:41:40</p> <p>19 And just -- again, just 10:41:44</p> <p>20 differentiating yourself as the vendor, as 10:41:48</p> <p>21 the manufacturer. Providing consistency of 10:41:51</p> <p>22 supply is really important to customers so 10:41:55</p> <p>23 that they don't have to have the pharmacies 10:41:59</p> <p>24 constantly switching product. So that's 10:42:01</p> <p>25 another thing that's important. 10:42:03</p>



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1 Q. Okay. When you joined 10:42:04  
2 Mallinckrodt, what was your understanding as 10:42:07  
3 to Mallinckrodt's market share with respect 10:42:12  
4 to its various generic products? 10:42:17  
5 MR. O'CONNOR: Object to form. 10:42:19  
6 THE WITNESS: Mallinckrodt had 10:42:20  
7 strong market share on some products. 10:42:24  
8 We're trailing on other products. 10:42:27  
9 QUESTIONS BY MR. GOTTO: 10:42:28  
10 Q. Okay. When you first joined, 10:42:29  
11 were there any products that you can 10:42:30  
12 recall -- as to which you can recall any 10:42:32  
13 particular effort to increase market share? 10:42:37  
14 A. Well, frankly, when you launch 10:42:38  
15 a product, you obviously want to get some 10:42:45  
16 market share. I don't remember particular 10:42:47  
17 strategies where we wanted to gain more 10:42:52  
18 share, because in some instances the more 10:42:53  
19 share we gained, the more the price came down 10:42:55  
20 and we actually got diminished returns. So 10:42:57  
21 there were instances when I remember that we 10:43:01  
22 would say we would surrender share because 10:43:03  
23 somebody else entered. 10:43:05  
24 But as far as gaining share, 10:43:06  
25 there might be cases that we did it for a 10:43:08

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1 particular customer because we wanted a full 10:43:10  
2 line with that customer, but other than that, 10:43:12  
3 that wasn't our target, other than launching 10:43:16  
4 products. 10:43:18  
5 Q. Okay. So putting aside product 10:43:19  
6 launches for a moment, during your time at 10:43:22  
7 Mallinckrodt, as a general matter, is it your 10:43:27  
8 recollection that in terms of market share, 10:43:34  
9 again, apart from launching new products, the 10:43:37  
10 emphasis was on maintaining existing market 10:43:43  
11 share? 10:43:46  
12 MR. O'CONNOR: Object to form. 10:43:46  
13 THE WITNESS: Our emphasis was 10:43:47  
14 more on sales margin and maintaining 10:43:49  
15 margin, so we did more things in line 10:43:54  
16 with pricing adjustments in order to 10:43:57  
17 achieve our objectives, and we 10:44:00  
18 actually shed products because they 10:44:03  
19 were not profitable. So I remember 10:44:05  
20 culling out products instead of 10:44:09  
21 looking to gain share. 10:44:11  
22 I don't remember specifically 10:44:13  
23 anything along that line, but that's 10:44:14  
24 typical that you would try and gain 10:44:15  
25 share from competitors during bid 10:44:17

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1 cycles. But I don't remember a 10:44:20  
2 specific instance where we said, oh, 10:44:21  
3 we really want to go after this 10:44:23  
4 product, and we're going to cut 10:44:25  
5 everybody out of the market. 10:44:26  
6 QUESTIONS BY MR. GOTTO: 10:44:27  
7 Q. Okay. What are examples of 10:44:27  
8 products you can recall shedding because of 10:44:29  
9 nonprofitability? 10:44:32  
10 A. There was methylphenidate, one 10:44:33  
11 of the methylphenidates, it wasn't making any 10:44:37  
12 money. It was a difficult product to make, 10:44:40  
13 and so we were losing money on it, and we 10:44:42  
14 decided not to sell it anymore. 10:44:45  
15 Q. Okay. Any others? 10:44:47  
16 A. None that I can recall, but I 10:44:48  
17 know we did terminate several products, but I 10:44:51  
18 can't remember the names of them at this 10:44:54  
19 point. 10:44:56  
20 Q. Okay. What product launches 10:44:56  
21 can you recall during your period at 10:44:58  
22 Mallinckrodt? 10:44:59  
23 A. We launched fentanyl lozenge, 10:45:00  
24 fentanyl patch and methylphenidate ER, the 10:45:06  
25 generic for Concerta. 10:45:09

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1 Q. From -- in terms of your 10:45:11  
2 position as director of marketing, what were 10:45:19  
3 your responsibilities associated with a 10:45:21  
4 product launch? 10:45:23  
5 A. To establish the market base 10:45:25  
6 that we were going to target, who -- what 10:45:30  
7 customers did we want to pursue, what 10:45:33  
8 incentives were involved, what would be the 10:45:37  
9 margin be if we targeted those customers, and 10:45:38  
10 who would we take the market share from. 10:45:41  
11 Q. And so how did you go about 10:45:44  
12 performing the analysis pertinent to those 10:45:46  
13 types of issues with respect to, for example, 10:45:49  
14 a fentanyl lozenge launch? 10:45:52  
15 A. We would look at -- that one 10:45:57  
16 was a little bit easier; there was limited 10:45:58  
17 competition. It's a really difficult product 10:46:00  
18 to make; very few companies have the 10:46:03  
19 machinery. So we knew we would be taking it 10:46:06  
20 from -- I believe it was Teva at the time. 10:46:08  
21 So we were going to be taking a product away 10:46:10  
22 from Teva, and so we knew we were strong in a 10:46:11  
23 particular customer, so we'd better -- we 10:46:14  
24 would be better suited to align with that 10:46:17  
25 customer. We knew their incentive programs 10:46:20

<p style="text-align: right;">Page 90</p> <p>1 and what their contract said about what we'd 10:46:21  2 have to offer, so we would determine pricing 10:46:24  3 based on that. And we knew what share we 10:46:26  4 needed to hit and did that with a couple of 10:46:30  5 customers. 10:46:34  6 Q. Okay. How about the fentanyl 10:46:35  7 patch? 10:46:38  8 A. The fentanyl patch was a little 10:46:39  9 bit different in that Mylan had a good 10:46:42  10 product out there. They had -- the customers 10:46:46  11 liked it. It's -- because, again, it's -- 10:46:49  12 that one's a little bit differentiated than 10:46:51  13 taking the tablet because it's got a tear 10:46:54  14 factor. So Mylan's product was 10:46:56  15 well-received, so it was a little bit 10:46:59  16 difficult because pharmacists knew the 10:47:01  17 patients liked that. 10:47:04  18 So we struggled to find our 10:47:05  19 share and our footing on that at first, but 10:47:08  20 we had a good product also. So once patients 10:47:09  21 started using our product, they liked it and 10:47:12  22 they were -- they stayed on it. 10:47:14  23 Q. Okay. So as director of 10:47:15  24 marketing, what steps can you recall taking 10:47:19  25 to deal with -- for example, in the fentanyl 10:47:24</p>	<p style="text-align: right;">Page 92</p> <p>1 So the challenge we had with 10:48:31  2 messaging on fentanyl patch is that we 10:48:32  3 couldn't say anything about we had a good 10:48:34  4 tear factor, too, or that we had anything 10:48:36  5 that was better about our product, the size 10:48:39  6 of it. And that's the one thing. Once they 10:48:41  7 did see the size of ours, because it was a 10:48:43  8 little bit smaller, they liked that because a 10:48:46  9 patient didn't want it to be as obvious. And 10:48:48  10 easy to tear off, you know, after they're 10:48:53  11 done using it for three days. 10:48:55  12 So the only -- that was one 10:48:56  13 campaign that we did advertising, to show 10:48:59  14 that the size of our patch was relatively 10:49:02  15 small. And it had the strength on the patch 10:49:04  16 itself so the patients could tell. And it 10:49:07  17 was color-coded so it made it easier. So we 10:49:10  18 did some trade journal advertising in that 10:49:13  19 case so pharmacies could see why it was a 10:49:15  20 good product. 10:49:18  21 Q. Okay. And when you say "we" 10:49:18  22 did that, that was Mallinckrodt advertising? 10:49:23  23 A. Yes. Yes. 10:49:26  24 Q. Were there similar or -- strike 10:49:26  25 "similar." 10:49:35</p>
<p style="text-align: right;">Page 91</p> <p>1 patch example, to deal with the fact Mylan 10:47:30  2 already had a well-received product and 10:47:33  3 Mallinckrodt would be a new entrant into that 10:47:36  4 market? 10:47:38  5 A. We would pursue other customers 10:47:39  6 that were more about price and they weren't 10:47:42  7 as concerned about customer -- patient 10:47:45  8 feedback. So that's part of it. 10:47:47  9 So -- and then we also pursued 10:47:49  10 customers that we knew could work with the 10:47:52  11 pharmacies in messaging, I guess, to them. 10:47:55  12 They don't really -- like the wholesalers 10:47:57  13 don't message. They list the product in 10:48:00  14 their catalogs and they list it on their 10:48:02  15 website so they don't send a message behind 10:48:05  16 it. So it was kind of a challenge, frankly, 10:48:07  17 to get our share on that at first. 10:48:11  18 Q. And when you say "message" in 10:48:13  19 that setting, what do you mean by that? 10:48:16  20 A. You can't tell -- you can't say 10:48:16  21 that we have a better tear factor or we have 10:48:18  22 a better -- our product's better in any way. 10:48:21  23 They're equivalent. The FDA declared them 10:48:24  24 equivalent so they're the same, no matter 10:48:26  25 which product you're looking at. 10:48:29</p>	<p style="text-align: right;">Page 93</p> <p>1 Were there other messaging 10:49:36  2 initiatives with respect to other generic 10:49:40  3 products that you can recall during your 10:49:43  4 period as director of marketing? 10:49:47  5 A. Sure. We made a product 10:49:49  6 announcement in trade journals, goes to 10:49:50  7 pharmacists, to announce that we had fentanyl 10:49:53  8 lozenge. And fentanyl patch was the same, 10:49:57  9 and methylphenidate ER was the same. 10:49:59  10 Q. Okay. And how about with the 10:50:04  11 existing product line, were there any 10:50:04  12 messaging initiatives that you can recall? 10:50:07  13 A. I know we did some advertising. 10:50:10  14 We changed some of our labeling, so we 10:50:13  15 announced that the labels had changed so the 10:50:15  16 customers could see that. 10:50:19  17 I don't remember any other 10:50:21  18 advertising that we did around our core 10:50:22  19 products. 10:50:25  20 Q. Okay. All right. Back on 10:50:25  21 Item 2 on Exhibit 3, there's reference to, 10:50:30  22 you know, "direct and lead the creation and 10:50:35  23 development of marketing plans" and then 10:50:36  24 promotional literature. 10:50:39  25 Is promotional literature 10:50:40</p>

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<p>1 something that was part of your 10:50:42</p> <p>2 responsibilities? 10:50:44</p> <p>3 A. Yes. 10:50:46</p> <p>4 Q. So tell me what sorts of 10:50:47</p> <p>5 promotional literature you oversaw. 10:50:49</p> <p>6 A. The advertising for the product 10:50:50</p> <p>7 launch products in the trade journals. We 10:50:54</p> <p>8 developed several programs to better connect 10:50:57</p> <p>9 with the customers, so we had advertising -- 10:50:59</p> <p>10 or not advertising, but we send information 10:51:02</p> <p>11 out to the customers. If there was a product 10:51:06</p> <p>12 change or a product announcement, we would 10:51:12</p> <p>13 send information to the customers. 10:51:14</p> <p>14 So my team oversaw that and 10:51:15</p> <p>15 messaged the message about the product's now 10:51:18</p> <p>16 available, here's the wholesaler order entry 10:51:20</p> <p>17 numbers to the wholesalers. You know, here's 10:51:24</p> <p>18 all the information we have. If -- we have 10:51:27</p> <p>19 to fill out a form that tells them everything 10:51:29</p> <p>20 from what the list price is to the packaging 10:51:31</p> <p>21 weights, dimensions, so we'd -- it's not 10:51:33</p> <p>22 really promotional material, but we had to 10:51:36</p> <p>23 send all that material, too. 10:51:37</p> <p>24 Q. Okay. In terms of material you 10:51:39</p> <p>25 would think of as promotional material, 10:51:42</p>	<p>1 competitor. You had to show that -- you 10:52:46</p> <p>2 know, we showed the hand and showed how small 10:52:51</p> <p>3 it was next to somebody's hand. 10:52:53</p> <p>4 Our fentanyl lozenge, I know we 10:52:54</p> <p>5 advertise. I think that in the trade 10:52:58</p> <p>6 journals we would simply show that we had the 10:53:01</p> <p>7 four sizes, strengths, and just the color of 10:53:03</p> <p>8 the packaging because that helped, because 10:53:09</p> <p>9 the pharmacists could quickly identify which 10:53:10</p> <p>10 strength they were pulling from the shelf if 10:53:12</p> <p>11 they were taking care of a patient and 10:53:14</p> <p>12 filling a prescription. 10:53:16</p> <p>13 And methylphenidate, just to 10:53:19</p> <p>14 announce that it was available. 10:53:21</p> <p>15 Q. Okay. Item Number 4 on 10:53:23</p> <p>16 Exhibit 3 is "identify new product/growth 10:53:34</p> <p>17 areas, including new dosage forms of existing 10:53:37</p> <p>18 products, preparing the necessary analyses to 10:53:40</p> <p>19 support same, which includes working with R&amp;D 10:53:43</p> <p>20 on potential product line extensions and 10:53:46</p> <p>21 working with new product group and business 10:53:48</p> <p>22 development to develop strategies and tactics 10:53:51</p> <p>23 resulting in additions to Mallinckrodt's 10:53:53</p> <p>24 product portfolio." 10:53:57</p> <p>25 Does Item 4 describe an aspect 10:53:59</p>
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<p>1 approximately -- was that a regular process 10:51:47</p> <p>2 or was that an occasional process when there 10:51:51</p> <p>3 was, say, a new development with respect to a 10:51:54</p> <p>4 product? 10:51:56</p> <p>5 A. It was an occasional process. 10:51:57</p> <p>6 As products go, the only thing we really did 10:52:00</p> <p>7 was announce when products were available, 10:52:03</p> <p>8 again, if there was some change to a product. 10:52:05</p> <p>9 Q. The next item under heading 2 10:52:08</p> <p>10 is product messages/identity. I guess it's 10:52:14</p> <p>11 creation and development of product 10:52:19</p> <p>12 messages/identities. 10:52:24</p> <p>13 Is that something that you 10:52:25</p> <p>14 viewed as part of your responsibility as 10:52:26</p> <p>15 director of marketing? 10:52:28</p> <p>16 A. Yes. 10:52:29</p> <p>17 Q. And tell me what that consisted 10:52:29</p> <p>18 of. 10:52:30</p> <p>19 A. That was what I was just 10:52:31</p> <p>20 explaining about trying to get across a 10:52:34</p> <p>21 message to the pharmacists that our product 10:52:35</p> <p>22 was available, that -- you know, you couldn't 10:52:36</p> <p>23 talk about we had a smaller size; you could 10:52:39</p> <p>24 show, basically. You had to -- we couldn't 10:52:41</p> <p>25 compare it to a Mylan product or any other 10:52:44</p>	<p>1 of what you understood to be your 10:54:06</p> <p>2 responsibilities as director of marketing? 10:54:08</p> <p>3 A. Yes, it does. 10:54:09</p> <p>4 Q. And tell me what you did to go 10:54:10</p> <p>5 about identifying new product and growth 10:54:11</p> <p>6 areas in the matter described in Item 4 here. 10:54:14</p> <p>7 A. The easiest path we had for new 10:54:17</p> <p>8 products would be to do line extensions. For 10:54:22</p> <p>9 example, oxycodone had 5, 10, 15, 20 and 10:54:23</p> <p>10 30 milligrams. We did not have the 10 or the 10:54:28</p> <p>11 30 milligram to launch those. 10:54:30</p> <p>12 We looked at solutions. If we 10:54:32</p> <p>13 had the finished dosage form in an oral 10:54:33</p> <p>14 solid, can we launch it in a solution form. 10:54:36</p> <p>15 We looked at other products 10:54:39</p> <p>16 like methylphenidate ER; should we continue 10:54:40</p> <p>17 filing for a patent challenge. And if so, I 10:54:44</p> <p>18 would be involved in those discussions with 10:54:49</p> <p>19 legal about what would be the implications if 10:54:51</p> <p>20 we want a patent challenge versus not. So 10:54:53</p> <p>21 there was many things like that. 10:54:56</p> <p>22 And then there were other 10:54:58</p> <p>23 products that were in the pipeline portfolio 10:55:01</p> <p>24 when I started, and we killed some of those, 10:55:05</p> <p>25 too, and said they're not worth launching 10:55:06</p>

<p style="text-align: right;">Page 98</p> <p>1 because the market would dwindle before we 10:55:09</p> <p>2 even got to market, so there wasn't anything 10:55:12</p> <p>3 of value there. 10:55:14</p> <p>4 Q. Okay. And so were there any 10:55:16</p> <p>5 new products you can recall during your time 10:55:17</p> <p>6 at Mallinckrodt that were developed where 10:55:20</p> <p>7 the -- where the impetus for that development 10:55:26</p> <p>8 came from the marketing department? 10:55:28</p> <p>9 A. None that they took on that I 10:55:30</p> <p>10 can remember. 10:55:40</p> <p>11 Q. Okay. And so in terms of the 10:55:40</p> <p>12 new products, it was -- marketing 10:55:41</p> <p>13 department's involvement was essentially 10:55:44</p> <p>14 responding to ideas that came out of other -- 10:55:49</p> <p>15 other parts of the company? 10:55:50</p> <p>16 A. Right. 10:55:51</p> <p>17 Q. Okay. Item Number 5. And I 10:55:53</p> <p>18 won't read the whole paragraph, but at the -- 10:56:08</p> <p>19 toward the end it talks about compliance with 10:56:11</p> <p>20 associated product-related dimensions as far 10:56:16</p> <p>21 as working with the regulatory and legal 10:56:19</p> <p>22 departments. 10:56:23</p> <p>23 Who did you work with -- who 10:56:23</p> <p>24 did the folks in the marketing department 10:56:24</p> <p>25 under you, as part of your team, work with in 10:56:27</p>	<p style="text-align: right;">Page 100</p> <p>1 regulatory issues like the changes in 10:57:26</p> <p>2 hydrocodone. It moved from a Schedule III to 10:57:28</p> <p>3 a Schedule II. 10:57:30</p> <p>4 Q. Okay. Item 8 is "work closely 10:57:31</p> <p>5 with sales to ensure business plans are met." 10:57:43</p> <p>6 Was that part of your 10:57:46</p> <p>7 responsibility as director of marketing? 10:57:48</p> <p>8 A. Yes. 10:57:49</p> <p>9 Q. And so who did you work with in 10:57:50</p> <p>10 the sales department to ensure business plans 10:57:53</p> <p>11 are met? 10:57:55</p> <p>12 A. Primarily I worked with John 10:57:57</p> <p>13 Adams in the beginning, and then John left, 10:57:58</p> <p>14 and then I worked with Jane Williams. 10:58:00</p> <p>15 Q. Okay. Do you recall when 10:58:03</p> <p>16 Mr. Adams left? 10:58:04</p> <p>17 A. Not really. I think it was 10:58:05</p> <p>18 around 2011 or 2012. 10:58:08</p> <p>19 Q. Okay. And in terms of working 10:58:10</p> <p>20 with those individuals, what was -- describe 10:58:12</p> <p>21 for me the types of things you would interact 10:58:15</p> <p>22 with them on. 10:58:18</p> <p>23 A. Marketing would interact with 10:58:19</p> <p>24 sales on a regular basis. Sales would be -- 10:58:23</p> <p>25 would bring customer requests to us such as 10:58:28</p>
<p style="text-align: right;">Page 99</p> <p>1 the regulatory and legal departments to 10:56:30</p> <p>2 ensure compliance as it's described in this 10:56:32</p> <p>3 paragraph? 10:56:35</p> <p>4 A. Primarily -- oh. 10:56:36</p> <p>5 MR. O'CONNOR: Object to form. 10:56:36</p> <p>6 THE WITNESS: Primarily we 10:56:37</p> <p>7 worked with Stu Kim on regulatory and 10:56:39</p> <p>8 Don Lohman on compliance. 10:56:43</p> <p>9 QUESTIONS BY MR. GOTTO: 10:56:45</p> <p>10 Q. Okay. And when you say "on 10:56:45</p> <p>11 regulatory" in this setting, what do you 10:56:48</p> <p>12 mean? What sorts of things did you work on? 10:56:51</p> <p>13 A. Again, I'll go back to the 10:56:53</p> <p>14 methylphenidate ER. Stu Kim was working on a 10:56:55</p> <p>15 strategy on some of the products, like how we 10:56:59</p> <p>16 would respond to the FDA on some of our 10:57:03</p> <p>17 filings. Methylphenidate ER, should we 10:57:05</p> <p>18 continue filing a paragraph IV challenge. 10:57:09</p> <p>19 Even though other people were ahead of us, 10:57:10</p> <p>20 should we continue doing that. What value 10:57:12</p> <p>21 would it bring to the company if we won. And 10:57:13</p> <p>22 so -- because it's an expense, obviously, to 10:57:15</p> <p>23 hire external lawyers to do that, so was it 10:57:18</p> <p>24 worth it to hire them to do that. 10:57:20</p> <p>25 And just if there were 10:57:22</p>	<p style="text-align: right;">Page 101</p> <p>1 the customer wants this incentive, they want 10:58:33</p> <p>2 this pricing, here's the contract. So I 10:58:35</p> <p>3 constantly worked with them on the contract 10:58:39</p> <p>4 terms, incentives that the customers were 10:58:43</p> <p>5 receiving, any value that the customer got, 10:58:45</p> <p>6 because we did the analytics in my team on 10:58:47</p> <p>7 what the real net margin was for that 10:58:49</p> <p>8 particular customer, those product mix or 10:58:52</p> <p>9 whatever was in the mix with that. And then 10:58:54</p> <p>10 we also worked with them on forecasting. 10:58:58</p> <p>11 Q. Okay. In terms of contract 10:59:02</p> <p>12 terms, pricing, et cetera, incentives and the 10:59:04</p> <p>13 like, who made the ultimate decision on 10:59:08</p> <p>14 whether to offer a particular term or 10:59:13</p> <p>15 incentive to a customer? 10:59:15</p> <p>16 A. If we were in conflict, if I 10:59:17</p> <p>17 was in conflict with the vice president of 10:59:20</p> <p>18 sales, it would roll up to our president of 10:59:21</p> <p>19 generics. 10:59:25</p> <p>20 Q. Okay. And that was? 10:59:25</p> <p>21 A. Mike Gunning at one time and 10:59:26</p> <p>22 then David Silver for an interim and then 10:59:29</p> <p>23 Walt Kaczmarek. 10:59:35</p> <p>24 Q. Do you recall that occurring 10:59:38</p> <p>25 from time to time? 10:59:39</p>



<p style="text-align: right;">Page 102</p> <p>1 A. Yes. 10:59:40</p> <p>2 Q. Okay. When can you recall that 10:59:41</p> <p>3 occurring? 10:59:42</p> <p>4 A. There were several instances 10:59:43</p> <p>5 when we would not give an incentive, and then 10:59:46</p> <p>6 sales would push back. And either I would 10:59:52</p> <p>7 refer to the contract and they would comply 10:59:58</p> <p>8 with the contract, or if we came to a 11:00:01</p> <p>9 disagreement about what we should do as far 11:00:05</p> <p>10 as should we offer an incentive, then that 11:00:09</p> <p>11 would roll up to our boss. And I do remember 11:00:11</p> <p>12 that happening with a particular customer one 11:00:13</p> <p>13 time with Jane Williams. 11:00:16</p> <p>14 Q. And who was -- what was that 11:00:18</p> <p>15 occasion? 11:00:19</p> <p>16 A. It was -- we were looking at a 11:00:19</p> <p>17 smaller customer that wanted a price in order 11:00:20</p> <p>18 to secure their business away from a 11:00:24</p> <p>19 competitor, and by offering that, we would 11:00:26</p> <p>20 have to offer a really big customer that same 11:00:31</p> <p>21 discount, which would devalue the entire 11:00:33</p> <p>22 product line. 11:00:35</p> <p>23 Q. I see. 11:00:35</p> <p>24 Do you recall what the product 11:00:36</p> <p>25 line was? 11:00:36</p>	<p style="text-align: right;">Page 104</p> <p>1 and tell me that a customer wasn't agreeing 11:01:28</p> <p>2 to something in the terms, do we want to just 11:01:32</p> <p>3 quit negotiating, or what do we want to do. 11:01:34</p> <p>4 Q. Okay. It appears to me from 11:01:36</p> <p>5 some of the documents I've seen that you and 11:01:41</p> <p>6 Mr. Borelli had some difficulties in your 11:01:43</p> <p>7 relationship from time to time; is that fair? 11:01:46</p> <p>8 MR. O'CONNOR: Object to form. 11:01:48</p> <p>9 THE WITNESS: I would agree 11:01:48</p> <p>10 with that. 11:01:49</p> <p>11 QUESTIONS BY MR. GOTTO: 11:01:49</p> <p>12 Q. Okay. Can you recall the 11:01:50</p> <p>13 circumstances that gave rise to those 11:01:51</p> <p>14 difficulties? 11:01:53</p> <p>15 A. Yes. Victor would campaign on 11:01:53</p> <p>16 behalf of the customer oftentimes to gain 11:02:02</p> <p>17 business or to give incentives, and I would 11:02:07</p> <p>18 do analytics around it because I'm a numbers 11:02:11</p> <p>19 person. So I would say, no, we don't want to 11:02:13</p> <p>20 do that. And he and I had business 11:02:15</p> <p>21 challenges. We did not see the business the 11:02:17</p> <p>22 same way. 11:02:20</p> <p>23 Q. Okay. Do you recall how those 11:02:21</p> <p>24 issues were resolved from time to time? 11:02:24</p> <p>25 MR. O'CONNOR: Object to form. 11:02:29</p>
<p style="text-align: right;">Page 103</p> <p>1 A. No. I just remember the 11:00:37</p> <p>2 moment. 11:00:40</p> <p>3 Q. Okay. Did you personally 11:00:41</p> <p>4 interact with any of the national account 11:00:47</p> <p>5 managers? 11:00:49</p> <p>6 A. Yes, I did. 11:00:49</p> <p>7 Q. And with whom can you recall 11:00:50</p> <p>8 interacting? 11:00:52</p> <p>9 A. I would generally interact with 11:00:53</p> <p>10 all of them at some point. 11:00:54</p> <p>11 Q. Okay. And what was the -- what 11:00:55</p> <p>12 were the types of issues you would interact 11:00:57</p> <p>13 with them on? 11:00:59</p> <p>14 A. Again, it would go back to the 11:01:00</p> <p>15 contract terms, the incentives, the customer 11:01:03</p> <p>16 earned their incentive. Because the contract 11:01:07</p> <p>17 admin team would come to me and say, "This 11:01:10</p> <p>18 customer wants this payment and it's not -- 11:01:12</p> <p>19 they didn't reach their goal." 11:01:16</p> <p>20 And so I would say, "yes, they 11:01:17</p> <p>21 deserve it" or "they don't," based on doing 11:01:20</p> <p>22 market research on what they've done. So 11:01:21</p> <p>23 that would happen on occasion. The NAMs 11:01:24</p> <p>24 would come to me. 11:01:27</p> <p>25 Or the NAMs would come to me 11:01:27</p>	<p style="text-align: right;">Page 105</p> <p>1 THE WITNESS: Victor -- 11:02:30</p> <p>2 sometimes they escalated, and 11:02:33</p> <p>3 sometimes Victor said, okay, he -- he 11:02:36</p> <p>4 wouldn't pursue it anymore. It just 11:02:40</p> <p>5 depended on the situation and how 11:02:43</p> <p>6 strongly he felt about it. 11:02:45</p> <p>7 QUESTIONS BY MR. GOTTO: 11:02:46</p> <p>8 Q. Do you recall anyone at the 11:02:48</p> <p>9 company ever communicating to you anything to 11:02:50</p> <p>10 the effect that Mr. Borelli would say 11:02:54</p> <p>11 anything to make a sale? 11:02:58</p> <p>12 MR. O'CONNOR: Object to form. 11:02:59</p> <p>13 THE WITNESS: I don't recall 11:03:01</p> <p>14 that. 11:03:03</p> <p>15 QUESTIONS BY MR. GOTTO: 11:03:03</p> <p>16 Q. Okay. Did you interact with 11:03:03</p> <p>17 Ms. Stewart from time to time? 11:03:04</p> <p>18 MR. O'CONNOR: Object to form. 11:03:11</p> <p>19 THE WITNESS: I know the name, 11:03:11</p> <p>20 but I don't remember who she is or 11:03:14</p> <p>21 what she did. 11:03:15</p> <p>22 QUESTIONS BY MR. GOTTO: 11:03:15</p> <p>23 Q. Okay. Then I guess you didn't 11:03:16</p> <p>24 interact with her very much, if at all? 11:03:17</p> <p>25 A. Yeah, probably not. 11:03:20</p>



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<p>1 Q. Okay. How about Mr. Rausch? 11:03:21</p> <p>2 A. Jim? 11:03:23</p> <p>3 Q. Uh-huh. 11:03:23</p> <p>4 A. Rausch? Yes. 11:03:24</p> <p>5 Q. Okay. In what context did you 11:03:26</p> <p>6 interact with him? 11:03:29</p> <p>7 A. Occasionally orders would be 11:03:29</p> <p>8 held up and -- because we were allocating, or 11:03:31</p> <p>9 a customer issue might come up, and they 11:03:34</p> <p>10 would contact my department. 11:03:36</p> <p>11 Q. Okay. 11:03:38</p> <p>12 A. Or he's in customer service, so 11:03:41</p> <p>13 the customer service team would contact my 11:03:44</p> <p>14 department or me personally. 11:03:47</p> <p>15 (Mallinckrodt-Collier Exhibit 4 11:04:12</p> <p>16 marked for identification.) 11:04:12</p> <p>17 QUESTIONS BY MR. GOTTO: 11:04:12</p> <p>18 Q. Okay. Let's mark another 11:04:12</p> <p>19 document here. 11:04:13</p> <p>20 We've marked as Exhibit 4 a 11:04:14</p> <p>21 document bearing Bates MNK-T1_0004887323, and 11:04:30</p> <p>22 it's a two-page document. One page is blank, 11:04:40</p> <p>23 indicating that it was produced in native 11:04:44</p> <p>24 format. The second page is another 11:04:45</p> <p>25 organizational chart relating to specialty 11:04:50</p>	<p>1 Mallinckrodt -- so this -- this chart that 11:06:07</p> <p>2 we're looking at from January 2010, this is 11:06:08</p> <p>3 about six months after you joined the 11:06:11</p> <p>4 company, correct? 11:06:13</p> <p>5 A. Right. 11:06:13</p> <p>6 Q. And so when you joined the 11:06:14</p> <p>7 company, were you aware of the existence of a 11:06:16</p> <p>8 suspicious order monitoring program at the 11:06:23</p> <p>9 company at that time? 11:06:25</p> <p>10 MR. O'CONNOR: Object to form. 11:06:26</p> <p>11 THE WITNESS: I don't 11:06:27</p> <p>12 understand what you mean was I aware 11:06:29</p> <p>13 of a suspicious order monitoring 11:06:31</p> <p>14 program. 11:06:32</p> <p>15 Oh, in 2010, did I know that 11:06:34</p> <p>16 they had one? 11:06:35</p> <p>17 QUESTIONS BY MR. GOTTO: 11:06:36</p> <p>18 Q. Yes, when you joined in 2009, 11:06:36</p> <p>19 into early 2010. 11:06:39</p> <p>20 A. Yes, I was aware that there was 11:06:41</p> <p>21 a compliance team. 11:06:42</p> <p>22 Q. Okay. And who was involved in 11:06:45</p> <p>23 the compliance team? 11:06:47</p> <p>24 A. I remember Don Harper -- I 11:06:47</p> <p>25 mean, Don Lohman, Karen Harper, and then -- 11:06:53</p>
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<p>1 generic marketing goals and responsibilities 11:04:59</p> <p>2 as of 1/12/2010. 11:04:55</p> <p>3 Take a moment to look at this 11:05:00</p> <p>4 chart and tell me if that -- if this chart is 11:05:02</p> <p>5 consistent with your recollection of those 11:05:05</p> <p>6 roles and responsibilities at this time. 11:05:07</p> <p>7 A. Yes. 11:05:09</p> <p>8 Q. Okay. And I think you've 11:05:10</p> <p>9 already indicated Lisa Lundergan, that's -- 11:05:17</p> <p>10 she changed her name to Cardetti at some 11:05:19</p> <p>11 point? 11:05:22</p> <p>12 A. Correct. 11:05:22</p> <p>13 Q. Okay. And at this point she 11:05:22</p> <p>14 was an associate. 11:05:25</p> <p>15 Did she report to 11:05:25</p> <p>16 Ms. Muhlenkamp at this point? 11:05:26</p> <p>17 A. Yes. 11:05:28</p> <p>18 Q. Okay. And so for -- there are 11:05:29</p> <p>19 various products listed under each of the 11:05:37</p> <p>20 product managers, and to the best of your 11:05:40</p> <p>21 recollection, is that allocation of products 11:05:45</p> <p>22 among those product managers as of January 11:05:49</p> <p>23 2010 accurate? 11:05:51</p> <p>24 A. Yes. 11:05:52</p> <p>25 Q. Okay. When you joined 11:05:54</p>	<p>1 those were the only two I interacted with. 11:06:54</p> <p>2 Q. Okay. So you knew there was a 11:06:57</p> <p>3 compliance team. 11:06:59</p> <p>4 Did you -- 11:07:00</p> <p>5 A. Right. 11:07:01</p> <p>6 Q. Did you have any understanding 11:07:02</p> <p>7 of how the suspicious order monitoring 11:07:03</p> <p>8 process worked at Mallinckrodt at that time? 11:07:07</p> <p>9 A. No. I just knew they would 11:07:09</p> <p>10 call on occasion about high orders. 11:07:11</p> <p>11 Q. Okay. Were you familiar with 11:07:15</p> <p>12 the term "peculiar order" at that time? 11:07:17</p> <p>13 A. I don't remember them calling 11:07:20</p> <p>14 it that. 11:07:22</p> <p>15 Q. Okay. When you say they would 11:07:23</p> <p>16 call from time to time with high orders, what 11:07:29</p> <p>17 do you recall them calling and asking about? 11:07:33</p> <p>18 A. On occasion they would call my 11:07:35</p> <p>19 department and say that a customer ordered 11:07:37</p> <p>20 more than their usual amount; did we know 11:07:39</p> <p>21 why. Did we just win a contract award where 11:07:43</p> <p>22 we took the business from a competitor. Is 11:07:46</p> <p>23 the customer buying an inventory for the end 11:07:49</p> <p>24 of the year. Sometimes they'd do that for 11:07:52</p> <p>25 inventory purposes. So they would ask those 11:07:55</p>

<p style="text-align: right;">Page 110</p> <p>1 kinds of questions. 11:07:58</p> <p>2 Q. Okay. And would they ask that 11:07:59</p> <p>3 directly of you or would they ask that of the 11:08:01</p> <p>4 product managers? 11:08:04</p> <p>5 A. They would sometimes ask it of 11:08:06</p> <p>6 the product managers, and then if the product 11:08:08</p> <p>7 managers didn't know, they'd ask me, and I'd 11:08:10</p> <p>8 work with the NAMs to find out what was going 11:08:12</p> <p>9 on. 11:08:15</p> <p>10 Q. Okay. Can you remember 11:08:15</p> <p>11 specific examples where you worked with one 11:08:15</p> <p>12 or more of the national account managers 11:08:18</p> <p>13 responding to an inquiry you had received in 11:08:20</p> <p>14 this regard? 11:08:22</p> <p>15 A. Not a specific example, no. 11:08:22</p> <p>16 Q. Okay. But you recall that it 11:08:24</p> <p>17 did happen? 11:08:25</p> <p>18 A. Yes. 11:08:26</p> <p>19 Q. And do you recall the 11:08:26</p> <p>20 approximate frequency with which that would 11:08:28</p> <p>21 happen? 11:08:30</p> <p>22 A. I don't remember it being very 11:08:30</p> <p>23 frequent. It did happen. I don't remember 11:08:34</p> <p>24 the frequency. 11:08:36</p> <p>25 Q. Okay. Do you recall any of the 11:08:37</p>	<p style="text-align: right;">Page 112</p> <p>1 help us find out more information." 11:09:41</p> <p>2 QUESTIONS BY MR. GOTTO: 11:09:43</p> <p>3 Q. Okay. So apart from just the 11:09:43</p> <p>4 size of the order, what other sorts of issues 11:09:45</p> <p>5 can you recall them flagging an order about? 11:09:47</p> <p>6 A. Frequency. The customer 11:09:50</p> <p>7 ordered more than -- most of the customers 11:09:52</p> <p>8 order once a week, or even some of the small 11:09:55</p> <p>9 guys once a month, and they might have 11:09:59</p> <p>10 ordered more often than usual and did we know 11:10:00</p> <p>11 why. 11:10:03</p> <p>12 Q. Okay. And when you would 11:10:03</p> <p>13 receive such an inquiry, would it come 11:10:06</p> <p>14 through an e-mail typically? 11:10:09</p> <p>15 A. Yes. 11:10:10</p> <p>16 Q. Okay. So to the extent you 11:10:11</p> <p>17 received -- you personally received any such 11:10:14</p> <p>18 inquiries, they would be reflected in -- to 11:10:16</p> <p>19 the best of your knowledge, they'd be 11:10:18</p> <p>20 reflected in your e-mails, correct? 11:10:20</p> <p>21 MR. O'CONNOR: Object to form. 11:10:21</p> <p>22 THE WITNESS: Yes. There may 11:10:21</p> <p>23 have been phone calls, but I don't 11:10:25</p> <p>24 recall, you know, if it was phone call 11:10:28</p> <p>25 or e-mail only. 11:10:29</p>
<p style="text-align: right;">Page 111</p> <p>1 feedback you received from the national 11:08:41</p> <p>2 account managers when you were personally 11:08:43</p> <p>3 involved in responding to an inquiry in this 11:08:48</p> <p>4 regard? 11:08:49</p> <p>5 A. No. The national account 11:08:50</p> <p>6 managers obviously wouldn't be happy if an 11:08:55</p> <p>7 order was cut off, but I don't even remember 11:08:57</p> <p>8 the outcomes because I was not involved in 11:09:00</p> <p>9 the decision about whether -- I would just 11:09:03</p> <p>10 report the information, and I was not 11:09:04</p> <p>11 responsible for the outcome of shipping or 11:09:07</p> <p>12 not shipping. 11:09:09</p> <p>13 Q. Okay. Do you recall from whom 11:09:10</p> <p>14 the inquiry would come? 11:09:14</p> <p>15 A. Karen Harper's office. 11:09:15</p> <p>16 Q. Okay. And am I understanding 11:09:17</p> <p>17 you correctly that generally the inquiry 11:09:20</p> <p>18 would be along the lines that we've received 11:09:23</p> <p>19 a large order and we're trying to ascertain 11:09:26</p> <p>20 the reasons for this increased size in order? 11:09:30</p> <p>21 MR. O'CONNOR: Object to form. 11:09:33</p> <p>22 THE WITNESS: It could be for 11:09:33</p> <p>23 any number of reasons that they 11:09:37</p> <p>24 flagged the order, but they would tell 11:09:38</p> <p>25 us, "We've got an issue, and can you 11:09:41</p>	<p style="text-align: right;">Page 113</p> <p>1 QUESTIONS BY MR. GOTTO: 11:10:30</p> <p>2 Q. Okay. And when you inquired -- 11:10:30</p> <p>3 and so when you personally received an 11:10:31</p> <p>4 inquiry, you indicated you would inquire of 11:10:33</p> <p>5 the national account managers, correct? 11:10:36</p> <p>6 A. Yes. 11:10:37</p> <p>7 Q. Did you take any other steps 11:10:37</p> <p>8 other than inquiring of the national account 11:10:39</p> <p>9 managers? 11:10:41</p> <p>10 A. Yes. We would look at the 11:10:41</p> <p>11 customer historical volume on -- overall and 11:10:44</p> <p>12 find out if they did indeed award us a new 11:10:50</p> <p>13 product, if we got a new contract with them. 11:10:54</p> <p>14 If they were in fair share for the market, if 11:10:56</p> <p>15 they were oversized share for the market, 11:10:59</p> <p>16 that would be a concern. 11:11:02</p> <p>17 Q. What does that mean, "fair 11:11:03</p> <p>18 share" versus "oversized share"? 11:11:06</p> <p>19 A. For example, if you had a small 11:11:07</p> <p>20 distributor that ordered 30 percent of the 11:11:10</p> <p>21 total market value, that's a concern. 11:11:11</p> <p>22 Q. Okay. And when you responded 11:11:13</p> <p>23 back to Ms. Harper's department to respond to 11:11:23</p> <p>24 the inquiry, would that be in an e-mail form 11:11:26</p> <p>25 that you would have responded? 11:11:27</p>

<p style="text-align: right;">Page 114</p> <p>1 MR. O'CONNOR: Object to form. 11:11:29</p> <p>2 THE WITNESS: Possibly. 11:11:29</p> <p>3 QUESTIONS BY MR. GOTTO: 11:11:30</p> <p>4 Q. In what other forms might you 11:11:30</p> <p>5 have responded? 11:11:33</p> <p>6 A. Phone call. 11:11:34</p> <p>7 Q. Do you recall if there was any 11:11:34</p> <p>8 requirement in place at Mallinckrodt at the 11:11:40</p> <p>9 time that a response to any such inquiry from 11:11:42</p> <p>10 Ms. Harper's department be in writing? 11:11:46</p> <p>11 A. I don't recall that. 11:11:49</p> <p>12 Q. Do you know if any order as to 11:11:51</p> <p>13 which you personally received an inquiry from 11:12:00</p> <p>14 Ms. Harper's department was ultimately 11:12:02</p> <p>15 determined to be a suspicious order and 11:12:05</p> <p>16 reported to the DEA? 11:12:07</p> <p>17 A. Honestly, I never got that 11:12:08</p> <p>18 information, so I wouldn't know. 11:12:11</p> <p>19 Q. Okay. Do you know if the 11:12:14</p> <p>20 product managers who reported to you received 11:12:22</p> <p>21 inquiries from Ms. Harper's department with 11:12:27</p> <p>22 respect to potentially suspicious orders? 11:12:31</p> <p>23 A. I don't know that for a fact. 11:12:34</p> <p>24 Q. Okay. Do you recall any 11:12:37</p> <p>25 situation or occasion in which 11:12:45</p>	<p style="text-align: right;">Page 116</p> <p>1 you recall other circumstances in which you 11:14:04</p> <p>2 were aware that Ms. Muhlenkamp was conducting 11:14:06</p> <p>3 any review of a potentially suspicious order? 11:14:11</p> <p>4 A. No, I don't recall that. You'd 11:14:15</p> <p>5 have to ask Kate. 11:14:18</p> <p>6 Q. Okay. How about 11:14:19</p> <p>7 Mr. Montgomery? 11:14:23</p> <p>8 A. I doubt that he would be 11:14:24</p> <p>9 involved. He was not strong on analytics. 11:14:26</p> <p>10 Q. Okay. And how about Ms. Myers? 11:14:29</p> <p>11 A. No. 11:14:34</p> <p>12 Q. Or Ms. Lundergan? 11:14:36</p> <p>13 A. I'm not sure about Lisa either. 11:14:39</p> <p>14 Q. Okay. So in -- so when the 11:14:44</p> <p>15 compliance department had a question 11:15:01</p> <p>16 regarding a potentially suspicious order, was 11:15:02</p> <p>17 there a procedure in place at Mallinckrodt 11:15:06</p> <p>18 under which they would refer that question to 11:15:16</p> <p>19 any particular person in the marketing 11:15:19</p> <p>20 department? 11:15:22</p> <p>21 MR. O'CONNOR: Object to form. 11:15:22</p> <p>22 THE WITNESS: I'm not sure what 11:15:23</p> <p>23 you're asking. Could you rephrase the 11:15:24</p> <p>24 question? 11:15:26</p> <p>25</p>
<p style="text-align: right;">Page 115</p> <p>1 Ms. Muhlenkamp, for example, informed you 11:12:47</p> <p>2 that she had received an inquiry from 11:12:51</p> <p>3 Ms. Harper's department with respect to a 11:12:56</p> <p>4 potentially suspicious order? 11:12:58</p> <p>5 A. I don't remember any of that. 11:12:59</p> <p>6 Q. Okay. Did you perform periodic 11:13:02</p> <p>7 evaluations of the performance of the product 11:13:12</p> <p>8 managers who reported to you? 11:13:14</p> <p>9 A. Yes, I did. 11:13:14</p> <p>10 Q. And so did that evaluation 11:13:15</p> <p>11 include in any regard their activities in 11:13:18</p> <p>12 responding to inquiries they had received 11:13:24</p> <p>13 with respect to potentially suspicious 11:13:26</p> <p>14 orders? 11:13:29</p> <p>15 A. I don't recall ever having that 11:13:29</p> <p>16 in anybody's review. It would be more around 11:13:33</p> <p>17 forecasting accuracy. 11:13:37</p> <p>18 Q. Okay. With respect to 11:13:39</p> <p>19 Ms. Muhlenkamp in particular, do you recall 11:13:42</p> <p>20 being aware at any point of any -- well, 11:13:44</p> <p>21 strike that. 11:13:48</p> <p>22 You've already testified with 11:13:48</p> <p>23 regard to activities Ms. Muhlenkamp took when 11:13:51</p> <p>24 the Sunrise issues came up and accessing the 11:13:53</p> <p>25 chargeback data. Apart from that example, do 11:13:58</p>	<p style="text-align: right;">Page 117</p> <p>1 QUESTIONS BY MR. GOTTO: 11:15:26</p> <p>2 Q. Sure. 11:15:26</p> <p>3 If someone in the compliance 11:15:27</p> <p>4 department had a question regarding whether 11:15:31</p> <p>5 an order was a suspicious order and they 11:15:35</p> <p>6 wanted to refer that to the marketing 11:15:38</p> <p>7 department for further information, was there 11:15:40</p> <p>8 a procedure in place at Mallinckrodt whereby 11:15:43</p> <p>9 they would know what person at the -- in the 11:15:45</p> <p>10 marketing department was the appropriate 11:15:48</p> <p>11 person to refer that question to? 11:15:49</p> <p>12 MR. O'CONNOR: Object to form. 11:15:51</p> <p>13 THE WITNESS: I'm not sure a 11:15:51</p> <p>14 procedure, per se. Karen Harper might 11:15:57</p> <p>15 be able to tell you that if she had a 11:16:00</p> <p>16 process in which she followed, but I'm 11:16:02</p> <p>17 not aware of a specific procedure that 11:16:03</p> <p>18 was taught to my team. 11:16:05</p> <p>19 QUESTIONS BY MR. GOTTO: 11:16:06</p> <p>20 Q. Okay. So in terms of -- within 11:16:06</p> <p>21 the marketing department, from your 11:16:08</p> <p>22 standpoint, there wasn't any formal procedure 11:16:11</p> <p>23 in place that stated that inquiries from the 11:16:17</p> <p>24 compliance department with respect to 11:16:24</p> <p>25 potentially suspicious orders that were made 11:16:26</p>

<p style="text-align: right;">Page 118</p> <p>1 to the marketing department should be handled 11:16:28</p> <p>2 by person A, person B, person C, anything 11:16:31</p> <p>3 like that; is that fair? 11:16:33</p> <p>4 MR. O'CONNOR: Objection. 11:16:36</p> <p>5 THE WITNESS: I would say 11:16:37</p> <p>6 that's fair. They understood who 11:16:38</p> <p>7 managed which products, so they might 11:16:41</p> <p>8 go to that specific product manager. 11:16:42</p> <p>9 But I'm still not clear on 11:16:44</p> <p>10 where you're going with this because 11:16:50</p> <p>11 it -- it wasn't a formal policy that 11:16:52</p> <p>12 I'm aware of. Karen might have had 11:16:54</p> <p>13 something in place, but I don't 11:16:57</p> <p>14 remember us ever being educated on 11:16:58</p> <p>15 something about this is exactly how 11:17:00</p> <p>16 you handle it. 11:17:01</p> <p>17 QUESTIONS BY MR. GOTTO: 11:17:02</p> <p>18 Q. Okay. And so when you say 11:17:02</p> <p>19 "they" knew who handled which products, you 11:17:07</p> <p>20 mean the compliance department knew which -- 11:17:09</p> <p>21 which product manager handled which product; 11:17:11</p> <p>22 is that fair? 11:17:14</p> <p>23 A. Correct. 11:17:14</p> <p>24 Q. Okay. And certain inquiries 11:17:15</p> <p>25 you became involved in personally. 11:17:24</p>	<p style="text-align: right;">Page 120</p> <p>1 expectation that they would inform you of 11:18:29</p> <p>2 their receipt of an inquiry from the 11:18:31</p> <p>3 compliance department with respect to a 11:18:33</p> <p>4 potentially suspicious order? 11:18:36</p> <p>5 A. I didn't have that expectation. 11:18:36</p> <p>6 They are responsible product managers, and I 11:18:42</p> <p>7 expect them to answer the question. They 11:18:44</p> <p>8 were not making the final decision. So they 11:18:45</p> <p>9 would supply the information needed, and I 11:18:47</p> <p>10 knew they knew how to supply the correct 11:18:48</p> <p>11 information. So it was not my expectation 11:18:50</p> <p>12 they would provide it to me. 11:18:52</p> <p>13 Q. Okay. And so there was no -- 11:18:54</p> <p>14 is it fair to say that there was no 11:18:56</p> <p>15 requirement in place within the marketing 11:18:59</p> <p>16 department that a product manager report to 11:19:01</p> <p>17 you when they received a -- an inquiry from 11:19:05</p> <p>18 the compliance department as to a potentially 11:19:09</p> <p>19 suspicious order? 11:19:12</p> <p>20 A. That would be a good 11:19:12</p> <p>21 assumption. 11:19:14</p> <p>22 Q. Okay. Okay. Focusing back on 11:19:14</p> <p>23 exhibit -- what are we on, 4? I realize 11:19:22</p> <p>24 you've testified that the composition of your 11:19:29</p> <p>25 team changed over time as folks left. 11:19:33</p>
<p style="text-align: right;">Page 119</p> <p>1 Are you aware of any inquiries 11:17:28</p> <p>2 that were referred to anyone in the market 11:17:30</p> <p>3 department -- marketing department, you know, 11:17:32</p> <p>4 inquiries regarding potentially suspicious 11:17:36</p> <p>5 orders, other than the inquiries that you 11:17:39</p> <p>6 personally became involved in? 11:17:41</p> <p>7 A. I'm not aware unless they 11:17:43</p> <p>8 involved me. 11:17:45</p> <p>9 Q. Okay. 11:17:47</p> <p>10 A. They may have made other 11:17:47</p> <p>11 inquiries and I would not be aware. 11:17:49</p> <p>12 Q. Okay. Was it your expectation 11:17:53</p> <p>13 that if a product manager received an inquiry 11:17:56</p> <p>14 from the compliance department with respect 11:18:00</p> <p>15 to a potentially suspicious order that the 11:18:02</p> <p>16 product manager would inform you of that 11:18:05</p> <p>17 inquiry? 11:18:07</p> <p>18 A. The product managers were 11:18:07</p> <p>19 generally good about informing me of things 11:18:11</p> <p>20 going on with their products, so I may have 11:18:14</p> <p>21 known, but they may not have always advised 11:18:16</p> <p>22 me. If they didn't tell me, I don't know. 11:18:19</p> <p>23 Q. Sure. 11:18:21</p> <p>24 But as the -- as their -- the 11:18:21</p> <p>25 person to whom they reported, was it your 11:18:27</p>	<p style="text-align: right;">Page 121</p> <p>1 In terms of the particular 11:19:36</p> <p>2 products that are set forth on Exhibit 4, 11:19:39</p> <p>3 when Ms. Muhlenkamp left, did Lisa 11:19:45</p> <p>4 Lundergan/Cardetti -- Cardetti, is it? 11:19:54</p> <p>5 A. Yes. 11:19:57</p> <p>6 Q. Thank you. 11:19:57</p> <p>7 Did she assume responsibility 11:19:57</p> <p>8 for those products? 11:19:58</p> <p>9 A. Actually, they -- I split them 11:19:59</p> <p>10 out between Lisa, Marc, and hired a new 11:20:01</p> <p>11 product manager, Jennifer Block. 11:20:05</p> <p>12 Q. Okay. All right. And 11:20:06</p> <p>13 Mr. Montgomery, was he a product manager 11:20:09</p> <p>14 through your tenure at Mallinckrodt? 11:20:13</p> <p>15 A. No, he got promoted to senior 11:20:14</p> <p>16 product manager while I was there. 11:20:16</p> <p>17 Q. Okay. And so senior product 11:20:18</p> <p>18 manager was -- did he still report to you -- 11:20:20</p> <p>19 A. Yes, he did. 11:20:22</p> <p>20 Q. Okay. Were there other senior 11:20:23</p> <p>21 product managers? 11:20:28</p> <p>22 A. No, he was the only one at the 11:20:29</p> <p>23 time. 11:20:31</p> <p>24 Q. Okay. And who took his spot as 11:20:31</p> <p>25 product manager when he was promoted? 11:20:33</p>



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1 A. Jake Longenecker. 11:20:36  
 2 Q. Okay. The particular products 11:20:38  
 3 that are listed under Mr. Montgomery's name 11:20:41  
 4 on Exhibit 4, did they -- were they taken by 11:20:45  
 5 Mr. Longenecker when he took Mr. Montgomery's 11:20:48  
 6 position? 11:20:52  
 7 A. No, those were taken over by 11:20:52  
 8 Jennifer Block. 11:20:57  
 9 Q. Okay. 11:20:57  
 10 A. And Lisa Lundergan left, so 11:20:58  
 11 Jake took over Lisa's products and some of 11:21:01  
 12 Kate's. So it was mixed on who was managing 11:21:04  
 13 what. 11:21:08  
 14 Q. And I'm sorry, when you say 11:21:09  
 15 Lisa Lundergan left, I thought -- did I 11:21:14  
 16 misunderstand? I thought she had taken -- 11:21:17  
 17 A. She had gotten a NAM position, 11:21:19  
 18 yeah -- 11:21:22  
 19 Q. Okay. 11:21:23  
 20 A. -- when she left my department. 11:21:23  
 21 Sorry. 11:21:26  
 22 Q. Okay. Great. Okay. You can 11:21:26  
 23 set that document aside. 11:21:27  
 24 When you joined Mallinckrodt in 11:21:29  
 25 mid-2009, did you have any awareness at that 11:21:54

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1 time of circumstances that have come to be 11:22:05  
 2 known as the opioid epidemic in this country? 11:22:11  
 3 MR. O'CONNOR: Object to form. 11:22:13  
 4 THE WITNESS: I was not aware 11:22:13  
 5 of the opioid epidemic, as they call 11:22:17  
 6 it today, no. 11:22:19  
 7 QUESTIONS BY MR. GOTTO: 11:22:20  
 8 Q. Okay. When did you become 11:22:21  
 9 aware of that, do you think? 11:22:22  
 10 A. Probably in 2010 when I started 11:22:23  
 11 hearing about Sunrise and then started -- 11:22:28  
 12 then started doing a little bit of background 11:22:31  
 13 on what was going on. 11:22:33  
 14 Q. Okay. What kind of background 11:22:37  
 15 did you do? 11:22:39  
 16 A. Just looked to see about 11:22:39  
 17 Florida, the state of Florida, and how many 11:22:41  
 18 pills were being dispensed in the state of 11:22:43  
 19 Florida. 11:22:47  
 20 Q. Okay. And how did you go about 11:22:47  
 21 doing that? 11:22:48  
 22 A. Pulling IMS data and looking at 11:22:48  
 23 the population of Florida versus the rest of 11:22:53  
 24 the country, and the percent of pills that 11:22:54  
 25 were being dispensed in Florida versus the 11:22:56

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1 rest of the country. 11:22:58  
 2 Q. Okay. And what did you 11:22:59  
 3 discover? 11:23:01  
 4 A. It was higher in Florida, but 11:23:01  
 5 there was no -- we had no cause and effect. 11:23:03  
 6 We had no causal understanding of why there 11:23:08  
 7 was greater dispensing down there. 11:23:13  
 8 Q. Okay. When you say "we," do 11:23:14  
 9 you mean Mallinckrodt? 11:23:17  
 10 A. Yeah. 11:23:17  
 11 Q. Okay. 11:23:17  
 12 A. Yeah. 11:23:17  
 13 Q. So this effort of looking into 11:23:18  
 14 Florida distribution in particular, was this 11:23:25  
 15 something that you were -- did anyone else at 11:23:27  
 16 Mallinckrodt ask you to undertake this 11:23:34  
 17 inquiry? 11:23:35  
 18 MR. O'CONNOR: Object to form. 11:23:35  
 19 THE WITNESS: No. It was Kate 11:23:36  
 20 Neely in part of the -- looking into 11:23:39  
 21 Sunrise Medical. We said, "They're 11:23:43  
 22 selling into the state of Florida. 11:23:46  
 23 What else is going into Florida that 11:23:49  
 24 we don't know about," because they 11:23:51  
 25 said it was physician prescribing down 11:23:52

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1 there. So we were trying to 11:23:54  
 2 understand that. 11:23:55  
 3 QUESTIONS BY MR. GOTTO: 11:23:55  
 4 Q. Okay. And when you said "they 11:23:55  
 5 said," these are press accounts you were -- 11:23:57  
 6 A. Yeah, I'm sorry. 11:23:59  
 7 Q. Okay. And so -- so were you 11:24:02  
 8 looking into distribution in Florida of 11:24:04  
 9 product that Mallinckrodt had originally 11:24:09  
 10 manufactured, or were you looking more 11:24:11  
 11 generally at the entire industry? 11:24:13  
 12 MR. O'CONNOR: Object to form. 11:24:14  
 13 THE WITNESS: That I remember, 11:24:15  
 14 I think we were looking at 11:24:17  
 15 Mallinckrodt specifically. 11:24:20  
 16 QUESTIONS BY MR. GOTTO: 11:24:22  
 17 Q. Okay. And what did you do with 11:24:22  
 18 that information after you -- after you 11:24:25  
 19 developed it? 11:24:28  
 20 A. Turned it over to the 11:24:29  
 21 compliance team. 11:24:31  
 22 Q. Okay. And was it to 11:24:32  
 23 Ms. Harper, or do you remember who in 11:24:35  
 24 particular -- 11:24:37  
 25 A. I don't remember specifically. 11:24:37

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1	Q.	Okay. Do you remember the	11:24:38
2		format in which you turned it over?	11:24:39
3	A.	In a spreadsheet.	11:24:41
4	Q.	Okay. And did you receive back	11:24:44
5		from the compliance department any requests	11:24:49
6		for follow-up information or analysis?	11:24:51
7	A.	Not that I recollect. I	11:24:54
8		believe another department started running	11:24:59
9		reports.	11:25:01
10	Q.	Okay. Do you know which other	11:25:02
11		department?	11:25:04
12	A.	David Silver's department.	11:25:04
13		So we didn't pull any data. No	11:25:07
14		one -- I don't recollect anybody asking me	11:25:09
15		for more data.	11:25:11
16	Q.	Okay. And in terms of when you	11:25:13
17		pulled this data, this was in the 2010 time	11:25:16
18		frame?	11:25:19
19	A.	Correct.	11:25:19
20	Q.	And it was triggered by the	11:25:20
21		Sunrise DEA issues you became aware of?	11:25:23
22	A.	Uh-huh.	11:25:25
23	Q.	Do you know if as a result of	11:25:27
24		the compilation of that data there were any	11:25:35
25		changes in Mallinckrodt's approach to the	11:25:40

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1		sale of any of the opioid products?	11:25:47
2		MR. O'CONNOR: Object to form.	11:25:49
3		THE WITNESS: I don't.	11:25:49
4		QUESTIONS BY MR. GOTTO:	11:25:50
5	Q.	Did you have occasion -- well,	11:25:55
6		strike that.	11:25:59
7		Part of your job responsibility	11:25:59
8		was preparing forecasts and reviewing sales	11:26:01
9		results, et cetera, right, on a regular	11:26:05
10		basis; is that fair?	11:26:07
11	A.	Correct.	11:26:07
12	Q.	So after you compiled the data	11:26:08
13		in 2010, as you prepared sales forecasts or	11:26:11
14		reviewed sales results going forward, did you	11:26:20
15		make any effort to evaluate whether the sales	11:26:22
16		patterns going forward were different in any	11:26:29
17		way from what had predated the period during	11:26:33
18		which you compiled this information about the	11:26:39
19		Florida sales?	11:26:41
20		MR. O'CONNOR: Object to form.	11:26:42
21		THE WITNESS: Yes.	11:26:43
22		QUESTIONS BY MR. GOTTO:	11:26:45
23	Q.	And what did you find?	11:26:45
24	A.	We projected lower sales.	11:26:46
25	Q.	And is that what actually	11:26:50

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1		happened, or is that what you projected	11:26:53
2		and --	11:26:56
3	A.	It's what actually happened.	11:26:56
4	Q.	Okay. And do you know what	11:26:57
5		caused that to happen, for the sales to be	11:27:02
6		lower?	11:27:05
7		MR. O'CONNOR: Object to form.	11:27:06
8		THE WITNESS: I'm not exactly	11:27:07
9		sure, but we projected that some	11:27:10
10		customers would not be able to ship	11:27:12
11		into the state of Florida and	11:27:14
12		estimated their sales.	11:27:16
13		QUESTIONS BY MR. GOTTO:	11:27:17
14	Q.	Okay. And mechanically, how	11:27:17
15		did you go about estimating what the	11:27:23
16		consequences would be of certain customers	11:27:26
17		not being able to ship into Florida?	11:27:28
18	A.	We would look at what the	11:27:31
19		customer's historical sales were. And there	11:27:33
20		were certain distribution centers that we	11:27:36
21		shipped to, so we could tell which -- the	11:27:38
22		wholesaler distributor centers they went to,	11:27:40
23		and so we would know that that distributor	11:27:43
24		was not going to be able to ship in that	11:27:44
25		area. And if we had that business, we knew	11:27:47

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1		that we lost that business. It may have been	11:27:48
2		picked up by a competitor in a region, but we	11:27:50
3		knew that it would not be our business	11:27:54
4		because we were aligned with a particular	11:27:56
5		customer.	11:27:57
6		(Mallinckrodt-Collier Exhibit 5	11:28:44
7		marked for identification.)	11:28:44
8		QUESTIONS BY MR. GOTTO:	11:28:44
9	Q.	We've marked as Exhibit 5 a	11:28:45
10		document that was produced in native format	11:28:47
11		under MNK-T1_0004881300.	11:28:48
12		And the document is a strategic	11:28:53
13		business update for Covidien Pharmaceuticals	11:28:58
14		Specialty Generics dated December 2, 2009.	11:29:03
15		Could you take a moment and	11:29:06
16		look through that document and tell me if you	11:29:07
17		recognize it?	11:29:10
18	A.	Okay.	11:29:11
19	Q.	Do you recognize that document?	11:30:27
20	A.	I don't remember it, but I	11:30:29
21		recognize it.	11:30:32
22	Q.	Okay.	11:30:33
23	A.	You know, the business review.	11:30:33
24	Q.	Okay. Did -- would you have	11:30:35
25		participated in the preparation of any of the	11:30:40

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1 materials that are contained in this 11:30:43  
 2 document? 11:30:44  
 3 A. Yes. 11:30:44  
 4 Q. Which ones? 11:30:45  
 5 A. My team might have actually 11:30:45  
 6 pulled information on the business, the 11:30:50  
 7 units, and all the financials and, on 11:30:53  
 8 slide 12, the pipeline -- 11:31:02  
 9 Q. Okay. 11:31:05  
 10 A. -- in REMS. 11:31:06  
 11 Q. What are REMS? 11:31:07  
 12 A. Risk evaluation and mitigation 11:31:09  
 13 strategy. They're put in place for 11:31:13  
 14 particular products so that it requires an 11:31:16  
 15 additional patient insert and more 11:31:18  
 16 monitoring. 11:31:22  
 17 Q. Okay. So it's a regulatory 11:31:22  
 18 requirement? 11:31:23  
 19 A. Yes. 11:31:24  
 20 Q. Okay. So turning to the slides 11:31:24  
 21 1 and 2, on slide 2, it refers to meeting 11:31:31  
 22 participants, yourself and three other 11:31:38  
 23 Covidien/Mallinckrodt folks, and then four 11:31:41  
 24 AmerisourceBergen folks, correct? 11:31:47  
 25 A. Correct. 11:31:49

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1 Q. Was this a regular type of 11:31:49  
 2 meeting that was held between Mallinckrodt 11:31:55  
 3 and AmerisourceBergen? 11:31:58  
 4 MR. O'CONNOR: Object to form. 11:32:00  
 5 THE WITNESS: I would not say 11:32:01  
 6 it was regular. It was not regular. 11:32:02  
 7 QUESTIONS BY MR. GOTTO: 11:32:05  
 8 Q. Okay. Do you recall if there 11:32:06  
 9 was any particular reason for this -- this 11:32:09  
 10 meeting and this strategic business update to 11:32:10  
 11 be prepared? 11:32:13  
 12 A. No, I don't. I don't. 11:32:13  
 13 Q. Okay. Do you recall 11:32:15  
 14 participating in similar strategic meetings 11:32:18  
 15 with other customers of Mallinckrodt from 11:32:25  
 16 time to time? 11:32:28  
 17 MR. O'CONNOR: Object to form. 11:32:28  
 18 THE WITNESS: I don't recall 11:32:29  
 19 any specific meetings, no. 11:32:30  
 20 QUESTIONS BY MR. GOTTO: 11:32:31  
 21 Q. Okay. Do you recall if -- I 11:32:32  
 22 realize this -- this is from December of '09, 11:32:41  
 23 which was your first year at Mallinckrodt. 11:32:44  
 24 Do you recall if there had been 11:32:46  
 25 prior meetings with AmerisourceBergen of this 11:32:48

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1 type prior to the time you joined 11:32:51  
 2 Mallinckrodt? 11:32:53  
 3 A. I would have no knowledge of 11:32:53  
 4 that. 11:32:54  
 5 Q. Okay. On slide 7, it says "VIP 11:32:54  
 6 update" at the top. 11:33:12  
 7 What does VIP mean in this 11:33:16  
 8 context? 11:33:17  
 9 A. Volume incentive plan -- or 11:33:18  
 10 program. 11:33:20  
 11 Q. And what is that? 11:33:20  
 12 A. That is an incentive plan put 11:33:20  
 13 in place for customers to reach certain 11:33:22  
 14 volume hurdles on dollars and so that they 11:33:24  
 15 can be paid a rebate in addition. And they 11:33:29  
 16 pass that along to the pharmacies, oftentimes 11:33:33  
 17 either a portion or all of it, on to the 11:33:35  
 18 pharmacies for complying with their programs. 11:33:37  
 19 Q. Okay. Is this separate from 11:33:40  
 20 the chargeback program that you discussed 11:33:41  
 21 earlier? 11:33:44  
 22 A. Yes, it is. 11:33:44  
 23 Q. Okay. And so slide 7 is 11:33:45  
 24 showing us the volume-based rebate. Is that 11:33:48  
 25 the VIP rebate? 11:33:51

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1 A. Correct. 11:33:53  
 2 Q. Okay. And so 11:33:53  
 3 AmerisourceBergen, from April of '09 through 11:33:57  
 4 October of '09, had total sales of a little 11:34:03  
 5 bit more than 29 million, correct? 11:34:06  
 6 A. Correct. 11:34:07  
 7 Q. And then the numbers below the 11:34:08  
 8 table, what do those numbers indicate? 11:34:10  
 9 A. Those numbers are the volume 11:34:14  
 10 that if they reached -- to the right is the 11:34:18  
 11 amount of the rebate that they would receive, 11:34:20  
 12 AmerisourceBergen -- 11:34:23  
 13 Q. Okay. 11:34:24  
 14 A. -- for reaching those dollar 11:34:24  
 15 amounts. 11:34:28  
 16 Q. Okay. So if Amerisource -- 11:34:28  
 17 since AmerisourceBergen had 29 million and 11:34:31  
 18 change during this period, am I reading this 11:34:34  
 19 correctly they would have received 5 percent 11:34:36  
 20 of 17.6 million and then 7 percent of the 11:34:38  
 21 difference between 17.6 -- well, I guess 15 11:34:43  
 22 million more on top of that 17.76, to 32.6, 11:34:46  
 23 and then 8 percent -- well, they didn't get 11:34:52  
 24 to 32.6. 11:34:53  
 25 So they would have gotten 11:34:54

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1 5 percent of the first 17.6 and 7 percent of 11:34:55  
 2 the balance; is that correct? 11:34:58  
 3 A. No, they would have gotten 11:34:58  
 4 7 percent of the entire sale. 11:35:00  
 5 Q. I see. 11:35:01  
 6 So it ratchets it up for the 11:35:02  
 7 entire thing if you reach the -- the next 11:35:03  
 8 tier? 11:35:06  
 9 A. Correct. 11:35:07  
 10 Q. Okay. And was that volume -- 11:35:08  
 11 were those volume thresholds, were those six 11:35:16  
 12 months? One year? How were they set out? 11:35:20  
 13 A. One year. 11:35:23  
 14 Q. Okay. So here we have six -- 11:35:24  
 15 one, two, three, four, five -- these are 11:35:32  
 16 seven months, actually, of results that we're 11:35:32  
 17 seen on this chart, correct, from April 11:35:36  
 18 through October? 11:35:37  
 19 A. Correct. 11:35:38  
 20 Q. So if AmerisourceBergen had 11:35:38  
 21 additional sales over the remaining five 11:35:43  
 22 months, their rebate would be determined 11:35:46  
 23 based on the table -- the figures below the 11:35:49  
 24 table, ultimately, correct? 11:35:52  
 25 A. Correct. 11:35:53

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1 Q. Okay. On slide 9, there's 11:35:54  
 2 reference to scorecard service levels. 11:36:12  
 3 What does "scorecard" mean in 11:36:14  
 4 this setting? 11:36:16  
 5 A. This would be on 11:36:16  
 6 AmerisourceBergen-driven grading of how 11:36:19  
 7 Mallinckrodt delivered product over time: if 11:36:25  
 8 we delivered on time, didn't deliver at all, 11:36:28  
 9 how did we perform. 11:36:31  
 10 Q. Okay. So on the table, there's 11:36:33  
 11 COV, raw service level and PRO raw service 11:36:37  
 12 level. 11:36:42  
 13 What are those showing us? 11:36:42  
 14 A. Covidien means what we shipped 11:36:44  
 15 to the customer, and the blue line represents 11:36:46  
 16 what ABC was allowed to ship to their 11:36:49  
 17 customer. So even though we declined in 11:36:52  
 18 sales, they had enough inventory to cover it 11:36:54  
 19 during that period to ship to their customers 11:36:56  
 20 with a slight dip. 11:36:59  
 21 Q. Okay. 11:37:00  
 22 A. That's my understanding. I 11:37:00  
 23 mean, AmerisourceBergen, it's their data, so 11:37:03  
 24 it might be better to ask them. 11:37:04  
 25 Q. Okay. All right. We can set 11:37:06

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1 that document aside. 11:37:15  
 2 MR. GOTTO: Actually, before we 11:37:47  
 3 get into this, maybe it would be a 11:37:48  
 4 good time to take a break. So why 11:37:51  
 5 don't we go off the record. 11:37:52  
 6 VIDEOGRAPHER: We're going off 11:37:54  
 7 the record at 11:19 a.m. {sic}. 11:37:55  
 8 (Off the record at 11:37 a.m.) 11:37:58  
 9 VIDEOGRAPHER: We are back on 11:52:26  
 10 the record at 11:52 a.m. 11:52:36  
 11 (Mallinckrodt-Collier Exhibits 11:52:37  
 12 6 and 7 marked for identification.) 11:52:38  
 13 QUESTIONS BY MR. GOTTO: 11:52:38  
 14 Q. Ms. Collier, we've marked as 11:52:45  
 15 Exhibits 6 and 7 an e-mail and attachment 11:52:47  
 16 from 2009. 11:52:57  
 17 Exhibit 6 is Bates 11:52:57  
 18 MNK-T1\_0006305472, and Exhibit 7 is a 11:53:00  
 19 document that was produced in native format 11:53:05  
 20 under MNK-T1\_0006305473. 11:53:07  
 21 Would you take a moment to look 11:53:13  
 22 at those materials and tell me if you 11:53:16  
 23 recognize them. 11:53:18  
 24 Do you recognize those 11:56:59  
 25 materials? 11:57:00

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1 A. Yes, I do. 11:57:00  
 2 Q. Okay. And it appears that the 11:57:02  
 3 attachment is the beginnings of the business 11:57:04  
 4 review that you referred to in your 11/20/09 11:57:10  
 5 e-mail, correct? 11:57:13  
 6 A. Correct. 11:57:14  
 7 Q. Okay. So did you compile the 11:57:14  
 8 information that's included in Exhibit 7? 11:57:17  
 9 A. My team did, yes. 11:57:22  
 10 Q. Okay. If you would turn to 11:57:23  
 11 slide 5 in Exhibit 7, there's a term 11:57:29  
 12 "Covidien modified gross" with an asterisk. 11:57:36  
 13 It's -- slide 5 it would be. I believe 11:57:40  
 14 you're looking at 6. 11:57:43  
 15 A. Oh, I'm looking at 6. Okay. 11:57:44  
 16 Q. There you go. 11:57:46  
 17 There's a reference to Covidien 11:57:47  
 18 modified gross with an asterisk, and then the 11:57:50  
 19 asterisk explains how modified gross is 11:57:53  
 20 determined. 11:57:56  
 21 Is that a metric that had been 11:57:57  
 22 used at Mallinckrodt at the time that you 11:58:01  
 23 joined, modified gross? 11:58:05  
 24 A. Yes. 11:58:06  
 25 Q. Okay. And do you know why that 11:58:08



<p style="text-align: right;">Page 138</p> <p>1 metric was used? 11:58:12</p> <p>2 A. Because if we used WAC sales, 11:58:13</p> <p>3 that would greatly increase the value of the 11:58:15</p> <p>4 products without having actual value. 11:58:18</p> <p>5 Q. Okay. 11:58:21</p> <p>6 A. So it would -- it would inflate 11:58:21</p> <p>7 the value of the product. 11:58:24</p> <p>8 Q. Okay. And when you say "WAC 11:58:25</p> <p>9 sales," you mean if you were not calculating 11:58:26</p> <p>10 in the chargebacks? 11:58:28</p> <p>11 A. Correct. 11:58:30</p> <p>12 Q. Okay. And what's -- in the 11:58:30</p> <p>13 footnote there's a reference to wholesaler 11:58:32</p> <p>14 differentials. 11:58:34</p> <p>15 What is that? 11:58:35</p> <p>16 A. Correct. We sometimes would 11:58:36</p> <p>17 give a rebate or a discount on a given 11:58:39</p> <p>18 product, for example, if we wanted to not 11:58:42</p> <p>19 deflate the total market. And so we would 11:58:45</p> <p>20 offer the customer one price, but we would 11:58:49</p> <p>21 give them a discount -- oh, excuse me, 11:58:51</p> <p>22 differentials is different. 11:58:56</p> <p>23 Differentials is that, for 11:58:57</p> <p>24 example, we would price a particular 11:58:59</p> <p>25 customer, a chain store, higher and then give 11:59:02</p>	<p style="text-align: right;">Page 140</p> <p>1 exclusivity period before the patent expired. 12:00:03</p> <p>2 Q. Okay. On slide 6, under the 12:00:08</p> <p>3 pie chart there's a reference to four key 12:00:14</p> <p>4 product families represent 82 percent of 12:00:16</p> <p>5 total modified gross sales. 12:00:19</p> <p>6 Do you see that? 12:00:20</p> <p>7 A. Correct. 12:00:21</p> <p>8 Q. And do you recall that being 12:00:21</p> <p>9 the case back in fiscal '09? 12:00:24</p> <p>10 A. Yes. 12:00:27</p> <p>11 Q. And do you recall if that 12:00:27</p> <p>12 metric changed over time in terms of those 12:00:37</p> <p>13 four product families and the percentage 12:00:40</p> <p>14 total modified gross sales that they 12:00:43</p> <p>15 represented? 12:00:45</p> <p>16 A. Yes, it changed significantly. 12:00:45</p> <p>17 Q. And how did it change? 12:00:47</p> <p>18 A. We launched new products which 12:00:48</p> <p>19 contributed to the modified gross, and that 12:00:52</p> <p>20 changed -- because one of the products we 12:00:55</p> <p>21 launched, methylphenidate ER, was a sizeable 12:00:58</p> <p>22 product, so that made all these numbers look 12:01:02</p> <p>23 smaller, and some of our smaller products 12:01:05</p> <p>24 contributed, so we had a bigger contribution 12:01:07</p> <p>25 from other products. 12:01:09</p>
<p style="text-align: right;">Page 139</p> <p>1 them a rebate or discount down to the actual 11:59:06</p> <p>2 contract price because we didn't want the 11:59:08</p> <p>3 wholesaler to be able to see their actual 11:59:11</p> <p>4 contract price. 11:59:12</p> <p>5 Q. Okay. And then to get to 11:59:13</p> <p>6 modified gross, you're also backing out the 11:59:16</p> <p>7 oxycodone ER, fentanyl lozenge and fentanyl 11:59:20</p> <p>8 patch. 11:59:25</p> <p>9 What's the reason for taking 11:59:26</p> <p>10 those out? 11:59:27</p> <p>11 A. Because we hadn't launched them 11:59:27</p> <p>12 yet, so we were looking forward and saying 11:59:28</p> <p>13 that we don't include those -- the oxy ER was 11:59:30</p> <p>14 discontinued. We had it for a period of time 11:59:33</p> <p>15 before I arrived at the company. Part of a 11:59:34</p> <p>16 paragraph IV filing against the branded 11:59:39</p> <p>17 product, so we had exclusivity for a period. 11:59:41</p> <p>18 Q. What do you mean when you say 11:59:44</p> <p>19 "a paragraph IV filing"? 11:59:46</p> <p>20 A. You've challenged the patent 11:59:47</p> <p>21 that the brand has and say that you should be 11:59:49</p> <p>22 able to launch before they -- before the 11:59:51</p> <p>23 patent expires. And so that's what 11:59:55</p> <p>24 Mallinckrodt had done, and so they negotiated 11:59:57</p> <p>25 with the brand company that we would have an 11:59:59</p>	<p style="text-align: right;">Page 141</p> <p>1 Q. Okay. All right. If you would 12:01:10</p> <p>2 turn back to slide 38, under the assumptions 12:01:23</p> <p>3 under the table, one of the assumptions is 12:01:38</p> <p>4 market growth rate 7 percent. 12:01:40</p> <p>5 Do you recall what the basis 12:01:43</p> <p>6 was for that assumption? 12:01:45</p> <p>7 A. That would be historical 12:01:47</p> <p>8 trends, what you see in historical trends, 12:01:49</p> <p>9 that it was -- the market had been growing 12:01:51</p> <p>10 over time. 12:01:53</p> <p>11 Q. The next bullet item says, 12:01:55</p> <p>12 "COV" -- I assume that's Covidien or 12:02:00</p> <p>13 Mallinckrodt -- "will increase compliance at 12:02:02</p> <p>14 McKesson." 12:02:05</p> <p>15 Do you see that? 12:02:06</p> <p>16 A. Yes. 12:02:06</p> <p>17 Q. What does that phrase mean, 12:02:06</p> <p>18 "increase compliance" in this setting? 12:02:10</p> <p>19 A. Anytime that we get a contract 12:02:11</p> <p>20 with a customer, we ask them for how many 12:02:13</p> <p>21 units they'll sell. And then we set our 12:02:15</p> <p>22 pricing and incentives based on what they say 12:02:17</p> <p>23 they're going to sell, and they may not come 12:02:19</p> <p>24 in at that level. 12:02:21</p> <p>25 Then we offered them additional 12:02:22</p>

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1 value for the value that they said they were 12:02:24  
2 going to deliver, and that drives production 12:02:26  
3 at the plant and everything, so we expect 12:02:28  
4 them to buy as much as they said they were 12:02:30  
5 going to. 12:02:33  
6 And in this particular case, 12:02:33  
7 McKesson was not buying what they said they 12:02:35  
8 would. 12:02:38  
9 Q. So the word "compliance" in 12:02:38  
10 this setting means compliance with what their 12:02:42  
11 sales or purchasing forecast had been? 12:02:44  
12 A. No, it's what they said they 12:02:47  
13 could -- what they were buying from another 12:02:49  
14 company, and we would gain their business. 12:02:51  
15 And they said, for example, that we can sell 12:02:53  
16 a hundred thousand tablets, and they might 12:02:56  
17 have been buying 90,000 instead of a hundred 12:02:58  
18 thousand, or whatever the variance is. 12:03:01  
19 And so we needed to ask them, 12:03:02  
20 "why are you not buying at the level you said 12:03:04  
21 you would," and try and drive and find out 12:03:06  
22 why there was an issue, and get them to buy 12:03:09  
23 at the level they said they would. 12:03:12  
24 Q. Okay. I'm just trying to 12:03:13  
25 understand the meaning of the word 12:03:15

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1 "compliance" in this setting. 12:03:16  
2 Is compliance with what they 12:03:17  
3 had forecast they would be buying? 12:03:21  
4 A. What they told us they had been 12:03:22  
5 purchasing from the competitor. So it could 12:03:24  
6 be that either their demand had dropped off, 12:03:26  
7 even though they switched from the other 12:03:28  
8 competitor, so we needed to find out why. 12:03:29  
9 And if it was a reason -- compliance is not 12:03:31  
10 like a contractual term. It's just a term, 12:03:34  
11 this is what you committed to. So this is 12:03:38  
12 what you said you were going to buy; we want 12:03:41  
13 you to buy that much. And find out why they 12:03:43  
14 were not, and if they could not meet the 12:03:46  
15 original number that they provided. 12:03:48  
16 Q. Okay. If you turn to the next 12:03:50  
17 slide, slide 30 -- I'm sorry, 39, under the 12:03:56  
18 assumptions, there's a -- market growth rate 12:04:02  
19 is 15 percent here. 12:04:06  
20 Would that also be based on 12:04:08  
21 historical data? 12:04:09  
22 A. Correct. 12:04:11  
23 Q. Okay. And would that be -- 12:04:12  
24 various of these products had a market growth 12:04:13  
25 rate assumption on the different slides. 12:04:16

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1 Is that always the case, it's 12:04:18  
2 based on historical data that you had? 12:04:20  
3 A. Yes, it is. 12:04:22  
4 Q. Okay. Under slide 40, or on 12:04:23  
5 slide 40, under Assumptions, the second 12:04:33  
6 bullet item says, "COV will recover 2009 lost 12:04:35  
7 market share that resulted from backorders." 12:04:39  
8 Do you see that? 12:04:43  
9 A. Correct. 12:04:44  
10 Q. Do you know what that's 12:04:44  
11 referring to? 12:04:45  
12 A. That means that we were not 12:04:46  
13 able to supply our customers with what they 12:04:47  
14 needed at the time, so we think that we'll 12:04:50  
15 pick up that business in the coming year. 12:04:52  
16 Q. Slide 44, Actions to Improve 12:04:55  
17 Performance, the bullet item says, "Secure 12:05:13  
18 Walgreens business." 12:05:16  
19 Do you recall if that occurred? 12:05:18  
20 A. I know we had a good 12:05:20  
21 partnership with Walgreens. I'm not exactly 12:05:25  
22 sure what this is referring to. 12:05:27  
23 Q. Okay. 12:05:29  
24 A. If it's a particular product or 12:05:29  
25 if it's in general. 12:05:31

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1 Q. Okay. Okay. We can set those 12:05:33  
2 documents aside. 12:05:35  
3 (Mallinckrodt-Collier Exhibit 8 12:06:02  
4 marked for identification.) 12:06:03  
5 QUESTIONS BY MR. GOTTO: 12:06:03  
6 Q. We've marked as Exhibit 8 a 12:06:23  
7 document produced in native format under 12:06:25  
8 Bates MNK-T1\_0002236317, and it's a 12:06:28  
9 PowerPoint deck that's -- first slide 12:06:39  
10 indicates Covidien Pharmaceuticals Specialty 12:06:43  
11 Generics Business Review, April 7, 2010. 12:06:45  
12 Could you take a look and tell 12:06:49  
13 me if you recognize that document? 12:06:51  
14 A. Okay. 12:06:52  
15 Q. Do you recognize that document? 12:10:08  
16 A. Yes, I do. 12:10:09  
17 Q. And what is it? 12:10:10  
18 A. It is our business review 12:10:11  
19 document explaining the generic and our 12:10:13  
20 budget and forecast for the year. 12:10:17  
21 Q. And did you participate in the 12:10:18  
22 preparation of this document? 12:10:20  
23 A. Yes, I did. 12:10:21  
24 Q. Okay. And is this a document 12:10:22  
25 that you would prepare on an annual basis? 12:10:25

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1 A. Yes. It changed over time, 12:10:27  
2 but, yes, something similar. 12:10:29  
3 Q. If you turn to slide 4, it 12:10:32  
4 indicates Fiscal Year 2010 Specialty Generics 12:10:44  
5 Objectives. First one is "rebuild customer 12:10:48  
6 confidence." 12:10:51  
7 Do you recall why the objective 12:10:53  
8 was to rebuild customer confidence at this 12:10:57  
9 time? 12:10:59  
10 A. Because we had supply issues. 12:10:59  
11 Q. And what were those supply 12:11:01  
12 issues? 12:11:03  
13 A. We had -- they were various, 12:11:03  
14 but some of it was having problems out of our 12:11:06  
15 API site, active pharmaceutical ingredients, 12:11:09  
16 which are the raw materials, their inability 12:11:12  
17 to supply enough product to the manufacturing 12:11:14  
18 site in Hobart. Or Hobart had issues 12:11:18  
19 supplying product. They couldn't produce to 12:11:18  
20 the commitment -- the forecast, so they 12:11:23  
21 sometimes would not have inventory readily 12:11:27  
22 available when we needed it. 12:11:29  
23 Q. Okay. And so was that a 12:11:32  
24 problem that existed at the time you joined 12:11:35  
25 Mallinckrodt? 12:11:37

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1 A. Yes, it was. 12:11:38  
2 Q. Okay. Do you know if the 12:11:38  
3 company had experienced similar supply 12:11:39  
4 problems historically? 12:11:42  
5 A. I don't know for sure before 12:11:43  
6 me, but it obviously happened before my time, 12:11:47  
7 so I don't know when -- 12:11:50  
8 Q. Sure. 12:11:51  
9 A. -- how -- the frequency. 12:11:52  
10 Q. Okay. In terms of the problems 12:11:53  
11 that were experienced in fiscal '09, do you 12:11:55  
12 know if it was the result of an increase in 12:11:58  
13 demand for the products? 12:12:00  
14 A. In 2009, I'm not sure what the 12:12:02  
15 problem was. 12:12:05  
16 Q. Okay. And you indicated part 12:12:07  
17 of the problem was some difficulty in 12:12:10  
18 obtaining sufficient raw materials. 12:12:15  
19 Do you know if in 2009 the -- 12:12:17  
20 Mallinckrodt was seeking to obtain raw 12:12:21  
21 materials at a greater level than it had 12:12:23  
22 historically? 12:12:26  
23 MR. O'CONNOR: Objection. 12:12:26  
24 Form. 12:12:27  
25 THE WITNESS: It wasn't about 12:12:27

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1 obtaining sufficient raw materials. 12:12:28  
2 It's about our ability to manufacture 12:12:30  
3 the raw material, that it's a 12:12:32  
4 difficult process and sometimes they 12:12:34  
5 had failures. And so we couldn't get 12:12:36  
6 enough product, API, up to Hobart in 12:12:38  
7 order to manufacture the finished 12:12:42  
8 dosage form. 12:12:45  
9 QUESTIONS BY MR. GOTTO: 12:12:45  
10 Q. Okay. So it's Mallinckrodt 12:12:45  
11 manufacture of the raw materials for Hobart 12:12:46  
12 that was the issue? 12:12:49  
13 A. Correct. 12:12:49  
14 Q. I see. Okay. 12:12:50  
15 And do you know if the -- if 12:12:50  
16 the manufacturing level -- or if the target 12:12:53  
17 manufacturing level in 2009 was a higher 12:12:56  
18 level than the company had historically 12:12:58  
19 engaged in? 12:13:01  
20 MR. O'CONNOR: Object to form. 12:13:01  
21 THE WITNESS: I don't know 12:13:02  
22 that. 12:13:02  
23 QUESTIONS BY MR. GOTTO: 12:13:02  
24 Q. On slide 4, second bullet item 12:13:05  
25 is "control price erosion." 12:13:08

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1 Do you see that? 12:13:10  
2 A. Correct. 12:13:11  
3 Q. And what's that referring to? 12:13:11  
4 A. That means that we do not want 12:13:13  
5 to have our products erode in the 12:13:16  
6 marketplace, so we balance our market share 12:13:19  
7 against the additional prices that we need to 12:13:21  
8 price -- concessions we need to give or 12:13:24  
9 incentives we need to give in order to gain 12:13:27  
10 that additional business. 12:13:31  
11 Q. Okay. Was price erosion a 12:13:32  
12 problem at the time that you were 12:13:35  
13 particularly focused on addressing? 12:13:38  
14 A. Yes. 12:13:39  
15 Q. And do you know what was 12:13:40  
16 causing that problem in fiscal '09? 12:13:42  
17 A. In the generic industry in 12:13:46  
18 general, that is just additional competitors, 12:13:48  
19 fierce competition among competitors, people 12:13:51  
20 taking business from each other, trying to 12:13:53  
21 gain share. Or companies taking business, 12:13:55  
22 not people. 12:13:57  
23 Q. Okay. Turn if you would to 12:13:58  
24 slide 51, which is a pie chart showing the 12:14:01  
25 specialty generic expenses. 12:14:11

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<p>1 One of the items in the pie 12:14:15</p> <p>2 chart is seminars, meetings, conferences. 12:14:20</p> <p>3 Do you see that? 12:14:22</p> <p>4 A. Yes. 12:14:23</p> <p>5 Q. What types of seminars, 12:14:23</p> <p>6 meetings, conferences would Mallinckrodt 12:14:24</p> <p>7 participate in that gave rise to this 12:14:29</p> <p>8 expense? 12:14:33</p> <p>9 A. We would attend conferences or 12:14:33</p> <p>10 trade shows with -- sometimes with the 12:14:35</p> <p>11 executives, so the buyers from the 12:14:40</p> <p>12 warehousing chains, the wholesalers or their 12:14:43</p> <p>13 executives. And sometimes we would attend 12:14:47</p> <p>14 like a -- there's a hospital pharmacy buyer 12:14:49</p> <p>15 meeting, so we would attend a buyer meeting 12:14:52</p> <p>16 to talk to the pharmacy buyers to find out 12:14:54</p> <p>17 what they're doing as far as their trends and 12:14:56</p> <p>18 going forward. 12:14:59</p> <p>19 And some were educational, some 12:15:01</p> <p>20 were -- like, for example, the Wholesale 12:15:06</p> <p>21 Distributor Manufacturer Association, HDMA at 12:15:08</p> <p>22 the time, we would attend that to find out 12:15:11</p> <p>23 industry trends like on the REMS regulations 12:15:14</p> <p>24 or what was going on with other regulations 12:15:17</p> <p>25 with serialization. And that often would be 12:15:18</p>	<p>1 A. Some of them are general 12:16:24</p> <p>2 national conventions, so that was just 12:16:27</p> <p>3 standard industry attendance. So it was 12:16:30</p> <p>4 expected that we would attend those, but 12:16:32</p> <p>5 ultimately that would be decided by the 12:16:35</p> <p>6 president of the team. 12:16:36</p> <p>7 Q. Okay. Take a look at slide 54, 12:16:38</p> <p>8 if you would, please. There's a reference to 12:16:48</p> <p>9 unapproved products deletions -- unapproved 12:16:56</p> <p>10 products deletion. 12:17:01</p> <p>11 Do you know what that's 12:17:03</p> <p>12 referring to? 12:17:04</p> <p>13 A. Yes. At one point products 12:17:04</p> <p>14 that were before the -- I don't know the 12:17:06</p> <p>15 regulation or the ruling, but before generics 12:17:11</p> <p>16 had proved that they were safe and effective, 12:17:14</p> <p>17 these products were already in the market so 12:17:18</p> <p>18 they didn't have to go through that process. 12:17:20</p> <p>19 And so they were grandfathered, and you could 12:17:21</p> <p>20 sell grandfathered products. 12:17:24</p> <p>21 And Mallinckrodt was selling 12:17:26</p> <p>22 these products long ago, and so we were 12:17:28</p> <p>23 excluded. So -- but we were going to have to 12:17:32</p> <p>24 discontinue them because the government 12:17:34</p> <p>25 wanted everyone -- the FDA wanted everyone to 12:17:35</p>
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<p>1 somebody on my team to get an education 12:15:20</p> <p>2 around some of this. 12:15:22</p> <p>3 Q. Okay. And so down below I see 12:15:23</p> <p>4 COND, which I assume is conventions and 12:15:28</p> <p>5 exhibits. 12:15:30</p> <p>6 Is that a different type of 12:15:30</p> <p>7 event from what you've just described? 12:15:32</p> <p>8 A. Correct. That would include 12:15:35</p> <p>9 the conventions, you know, attending some of 12:15:37</p> <p>10 the educational shows to learn, but also the 12:15:39</p> <p>11 cost of the exhibits when we had to display. 12:15:44</p> <p>12 Q. Okay. Who made the 12:15:47</p> <p>13 determination as to what seminars and 12:15:53</p> <p>14 meetings Mallinckrodt would participate in 12:15:57</p> <p>15 that give rise to the expenses that are shown 12:16:00</p> <p>16 on this slide? 12:16:02</p> <p>17 A. That often was the sales leader 12:16:04</p> <p>18 would decide which sales meeting -- which 12:16:07</p> <p>19 customer meetings they would attend. And 12:16:10</p> <p>20 then for educational purposes, I would decide 12:16:12</p> <p>21 who on my team should go to learn a little 12:16:14</p> <p>22 bit more about a category or an area. 12:16:17</p> <p>23 Q. And how about the conventions 12:16:20</p> <p>24 and exhibits? Who would decide what -- which 12:16:21</p> <p>25 of those to participate in? 12:16:23</p>	<p>1 issue a new FDA -- I mean an ANDA to prove 12:17:37</p> <p>2 that they were safe and effective. 12:17:42</p> <p>3 Q. Okay. And on the right-hand 12:17:44</p> <p>4 column there's identity of the products that 12:17:47</p> <p>5 fall under this category, correct? 12:17:50</p> <p>6 A. Correct. 12:17:50</p> <p>7 Q. Okay. Turn, if you would, to 12:17:51</p> <p>8 slide 59. 12:18:01</p> <p>9 A. (Witness complies.) 12:18:03</p> <p>10 Q. Improve Customer Confidence. 12:18:03</p> <p>11 The second bullet item is "narcotic story." 12:18:09</p> <p>12 Do you see that? 12:18:12</p> <p>13 A. Yes. 12:18:12</p> <p>14 Q. What does that refer to? 12:18:13</p> <p>15 A. That was an active 12:18:14</p> <p>16 pharmaceutical ingredient initiative. It 12:18:17</p> <p>17 showed everything from how -- because our 12:18:20</p> <p>18 customers didn't understand how the products 12:18:22</p> <p>19 were actually made from raw opium, so it was 12:18:24</p> <p>20 just giving them information on -- and I 12:18:28</p> <p>21 don't know that we used it, so I'll start 12:18:31</p> <p>22 that off. But it was intended to show them 12:18:33</p> <p>23 how the product goes from raw opium into a 12:18:35</p> <p>24 finished dosage tablet. 12:18:39</p> <p>25 Q. Okay. And was -- since that's 12:18:40</p>



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1 under the heading "Improve Customer 12:18:46  
2 Confidence," was there a belief that there 12:18:48  
3 was some failure of customer confidence with 12:18:53  
4 respect to Mallinckrodt's manufacturing 12:18:55  
5 process, or what gave rise to that being 12:18:58  
6 something that you'd address to deal with 12:19:01  
7 customer confidence? 12:19:03  
8 A. Supply. It was a supply issue. 12:19:05  
9 And to explain to them -- and it went all the 12:19:07  
10 way back to India where we secured the opium, 12:19:10  
11 and then we had our manufacturing in 12:19:13  
12 St. Louis and in Hobart. So just to explain 12:19:14  
13 to them that we are thoroughly knowledgeable in 12:19:19  
14 the process of converting it from raw 12:19:21  
15 material to finished dosage form. 12:19:23  
16 Q. Okay. You can set that 12:19:26  
17 document aside. 12:19:30  
18 A. Okay. 12:19:56  
19 (Mallinckrodt-Collier Exhibit 9 12:19:56  
20 marked for identification.) 12:19:57  
21 QUESTIONS BY MR. GOTTO: 12:19:57  
22 Q. We've marked as document -- as 12:20:05  
23 Exhibit 9 a document produced in native 12:20:09  
24 format under Bates MNK-T1\_0002237098. 12:20:11  
25 Would you take a moment to take 12:20:19

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1 a look at that document, please? 12:20:20  
2 A. Okay. 12:20:20  
3 Q. Do you recognize that document? 12:22:03  
4 A. Yes, I do. 12:22:04  
5 Q. And what is it? 12:22:04  
6 A. It is a business review that 12:22:05  
7 was presented to our manufacturing site in 12:22:11  
8 Hobart. 12:22:12  
9 Q. Okay. Was that a regular 12:22:13  
10 process, to present a business review to 12:22:16  
11 Hobart? 12:22:18  
12 A. No, it was not. 12:22:18  
13 Q. Was there a reason this 12:22:19  
14 particular presentation was made when it was? 12:22:21  
15 A. To help them understand why 12:22:23  
16 consistent supply was important in what they 12:22:26  
17 were doing and why we came up with our 12:22:28  
18 forecast numbers. 12:22:30  
19 Q. Okay. And so who made this 12:22:31  
20 presentation? 12:22:33  
21 A. My team. 12:22:33  
22 Q. And you participated in that? 12:22:35  
23 A. Yes, I did. 12:22:37  
24 Q. And participated in compiling 12:22:38  
25 the information that's contained in this 12:22:40

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1 package? 12:22:42  
2 A. Yes, I did. 12:22:42  
3 Q. Okay. If you turn to slide 2, 12:22:44  
4 you'll see it's an org chart, and this -- the 12:22:48  
5 spot that previously had been occupied by 12:22:52  
6 Ms. Muhlenkamp is identified as vacant. 12:22:55  
7 So is that consistent with your 12:22:58  
8 recollection, by February 2011 Ms. Muhlenkamp 12:23:00  
9 had left? 12:23:04  
10 A. Yes. 12:23:04  
11 Q. And ultimately -- ultimately, 12:23:05  
12 who took that spot? 12:23:10  
13 A. Jennifer Bullerick, and then I 12:23:11  
14 hired Jake Longenecker from the API site. 12:23:14  
15 Q. Okay. Great. 12:23:26  
16 On slide 3, Ranking of Generic 12:23:26  
17 Companies, Covidien/Mallinckrodt is indicated 12:23:35  
18 MAT September 2010 rank. 12:23:38  
19 What is MAT? 12:23:41  
20 A. Moving annual total. 12:23:42  
21 Q. Okay. And scripts are 12:23:44  
22 prescriptions; is that right? 12:23:47  
23 A. Correct. 12:23:47  
24 Q. Okay. And share of generics, 12:23:49  
25 do you know how that's calculated? 12:23:51

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1 A. It's the total number of 12:23:53  
2 prescriptions. For example, on Teva, it 12:23:57  
3 would be their number of prescriptions by the 12:23:59  
4 total number that were provided in the 12:24:01  
5 Wolters Kluwer study. 12:24:03  
6 Q. Okay. So it's not a dollar 12:24:04  
7 determination? 12:24:06  
8 A. No. 12:24:06  
9 Q. It's a number of prescriptions 12:24:06  
10 determination? 12:24:08  
11 A. Correct. 12:24:08  
12 Q. Okay. And again -- so here the 12:24:08  
13 company is identified Covidien/Mallinckrodt, 12:24:13  
14 but there was no separate product line that 12:24:16  
15 was Covidien versus Mallinckrodt, correct? 12:24:18  
16 A. Correct. 12:24:19  
17 Q. Okay. 12:24:20  
18 A. Not for the generics. 12:24:22  
19 Q. Yeah. 12:24:24  
20 Was that the case with branded 12:24:24  
21 product, that there was -- 12:24:25  
22 A. I don't know. 12:24:26  
23 Q. Okay. If you turn to 12:24:28  
24 slide 12 -- I'm sorry, 11. 11 says "FY '11 12:24:42  
25 overall goal: Preserve, maintain but grow, 12:24:50

<p style="text-align: right;">Page 158</p> <p>1 underscore, the generic core business." 12:24:50</p> <p>2 So the reference here to the 12:24:53</p> <p>3 generic core business, what would that be 12:24:56</p> <p>4 referring to? 12:24:58</p> <p>5 A. Our portfolio products. And so 12:24:58</p> <p>6 we would work on initiatives to either gain 12:25:01</p> <p>7 additional share or increase prices or 12:25:06</p> <p>8 maintain the current business of customers. 12:25:12</p> <p>9 Q. Okay. Okay. And turn to 12:25:16</p> <p>10 slide 12, please. 12:25:18</p> <p>11 A. Yes. 12:25:19</p> <p>12 Q. Slide 12, one of the fiscal 12:25:19</p> <p>13 year '11 objectives is "reinforce 12:25:23</p> <p>14 Covidien/Mallinckrodt as pain management 12:25:28</p> <p>15 experts." 12:25:30</p> <p>16 Do you see that? 12:25:30</p> <p>17 A. Yes. 12:25:30</p> <p>18 Q. And what steps were taken to 12:25:31</p> <p>19 reinforce Covidien/Mallinckrodt as pain 12:25:33</p> <p>20 management experts? 12:25:37</p> <p>21 A. I can only remember having 12:25:38</p> <p>22 discussions with Karen about customers that 12:25:39</p> <p>23 were trying to set up their own warehouse, 12:25:43</p> <p>24 and she could help them do that. 12:25:46</p> <p>25 I don't think anything came to 12:25:49</p>	<p style="text-align: right;">Page 160</p> <p>1 QUESTIONS BY MR. GOTTO: 12:27:07</p> <p>2 Q. We've marked as Exhibit 10 a 12:27:28</p> <p>3 single-page -- or two-page document, sorry, 12:27:31</p> <p>4 beginning at Bates MNK-T1_0002738887. It 12:27:37</p> <p>5 appears to be a letter that you sent out 12:27:43</p> <p>6 October 11, 2011. 12:27:47</p> <p>7 Please take a look and tell me 12:27:48</p> <p>8 if you recognize it. 12:27:50</p> <p>9 A. Okay. 12:27:51</p> <p>10 Q. Do you recognize that letter? 12:28:27</p> <p>11 A. Yes, I do. 12:28:30</p> <p>12 Q. And do you recall sending this 12:28:31</p> <p>13 letter out in October of 2011? 12:28:34</p> <p>14 A. I don't recall the date, but, 12:28:36</p> <p>15 yes, it's on the letter, so I assume that's 12:28:39</p> <p>16 it. 12:28:42</p> <p>17 Q. Okay. Did you send a series of 12:28:42</p> <p>18 similar letters out to other customers? 12:28:44</p> <p>19 A. Yes. 12:28:45</p> <p>20 Q. Okay. And this letter, the 12:28:46</p> <p>21 first paragraph says, "Mallinckrodt, LLC, 12:28:47</p> <p>22 continues to experience supply challenges 12:28:51</p> <p>23 related to our oxycodone immediate release 12:28:54</p> <p>24 tablets in 15-milligram and 30-milligram 12:28:57</p> <p>25 strengths. The supply issue is driven by 12:28:59</p>
<p style="text-align: right;">Page 159</p> <p>1 fruition of this, but I don't remember for 12:25:50</p> <p>2 sure. I don't remember developing any 12:25:52</p> <p>3 materials around this particular program. 12:25:54</p> <p>4 Q. Okay. When you say "Karen," is 12:25:55</p> <p>5 that Karen Harper? 12:25:57</p> <p>6 A. Karen Harper. 12:25:57</p> <p>7 Q. So in terms of pain management, 12:25:58</p> <p>8 I mean, that would -- your recollection is 12:26:05</p> <p>9 to -- that meant storing and warehousing 12:26:09</p> <p>10 product? 12:26:13</p> <p>11 A. That's our portfolio of 12:26:13</p> <p>12 products, is pain management, so schedule 12:26:14</p> <p>13 drugs would be another name. 12:26:17</p> <p>14 Q. But the expertise that is being 12:26:20</p> <p>15 reinforced here, what expertise is that, as 12:26:25</p> <p>16 best you can recall? 12:26:29</p> <p>17 A. Well, it would be the expertise 12:26:30</p> <p>18 that Karen offered in the compliance because 12:26:31</p> <p>19 she could -- in the past they had helped 12:26:35</p> <p>20 other people with DEA inspections, how do you 12:26:37</p> <p>21 work with the DEA and things like that. 12:26:42</p> <p>22 Q. Okay. All right. You can set 12:26:43</p> <p>23 that document aside. 12:26:50</p> <p>24 (Mallinckrodt-Collier Exhibit 12:27:06</p> <p>25 10 marked for identification.) 12:27:07</p>	<p style="text-align: right;">Page 161</p> <p>1 unexpected quota shortfalls from the US Drug 12:29:03</p> <p>2 Enforcement Administration, with no firm 12:29:06</p> <p>3 answer at this point as to when that 12:29:07</p> <p>4 situation will improve." 12:29:09</p> <p>5 Do you recall that circumstance 12:29:11</p> <p>6 back in 2011? 12:29:12</p> <p>7 A. Yes, I do. 12:29:13</p> <p>8 Q. So you had testified earlier 12:29:14</p> <p>9 back in 2009 there were some supply issues 12:29:18</p> <p>10 relating to some manufacturing constraints or 12:29:21</p> <p>11 difficulties, correct? 12:29:26</p> <p>12 In 2011, now there's supply 12:29:28</p> <p>13 issues resulting from quota shortfalls. Do 12:29:31</p> <p>14 you know what cause or -- well, strike that. 12:29:36</p> <p>15 There's a reference here to 12:29:39</p> <p>16 unexpected quota shortfalls. Did you ever 12:29:41</p> <p>17 come to have an understanding as to the 12:29:45</p> <p>18 reasons for those quota shortfalls? 12:29:49</p> <p>19 MR. O'CONNOR: Object to form. 12:29:51</p> <p>20 THE WITNESS: No, I don't 12:29:51</p> <p>21 recall why, because I did not interact 12:29:54</p> <p>22 with the DEA. 12:29:55</p> <p>23 QUESTIONS BY MR. GOTTO: 12:29:56</p> <p>24 Q. Okay. So when you use the 12:29:56</p> <p>25 phrase "quota shortfalls" in this letter, 12:29:59</p>

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1 what do you mean by that exactly? 12:30:03

2 A. My understanding was at the 12:30:04

3 time Mallinckrodt expected to have additional 12:30:06

4 quota, or enough quota to meet their annual 12:30:09

5 needs. And we did not receive that approval 12:30:13

6 from the DEA, and so we didn't have enough 12:30:18

7 inventory to allow that. 12:30:21

8 I honestly don't even know if 12:30:23

9 it was an API or finished dosage form quotas. 12:30:24

10 Q. Okay. And do you know if 12:30:28

11 the -- if the quota that Mallinckrodt 12:30:29

12 received for the year was less than prior 12:30:32

13 year quota, or do you have any understanding 12:30:37

14 of that at all? 12:30:39

15 A. I don't remember. 12:30:40

16 Q. In the third paragraph you say, 12:30:42

17 "You were one of our valued partners, and it 12:30:50

18 is our goal to meet as much of your demand as 12:30:52

19 possible. The impact this supply reduction 12:30:55

20 could have on your business is well 12:30:58

21 understood. We have developed a supply plan, 12:31:00

22 attached, to maximize the amount of oxycodone 12:31:03

23 we can ship to you in the coming months that 12:31:05

24 are helping you to meet the needs of your 12:31:08

25 customers and their patients," correct? 12:31:10

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1 A. Correct. 12:31:12

2 Q. How did you go about developing 12:31:12

3 the supply plan and allocating the available 12:31:14

4 quota among the existing customers? 12:31:21

5 A. First, we evaluated who had 12:31:23

6 intercontractual obligation of failure to 12:31:27

7 supply, which is a penalty for not supplying, 12:31:29

8 so that could be very costly, so they were 12:31:31

9 prioritized. Other customers that had more 12:31:33

10 of our portfolio in their line were 12:31:35

11 prioritized over others. If it was a 12:31:39

12 customer that we knew we could supply their 12:31:43

13 full amount, we'd try and take care of them. 12:31:46

14 But it was based on primarily 12:31:48

15 the failure to supply and the impact it'd 12:31:49

16 have on our business. 12:31:52

17 Q. Do you recall receiving 12:31:53

18 responses from various customers to this and 12:31:59

19 other similar letters that went out at this 12:32:01

20 time? 12:32:03

21 A. I recall many customers were 12:32:05

22 not happy about receiving this kind of 12:32:07

23 information. 12:32:09

24 Q. Did you have any direct contact 12:32:09

25 with any of those customers? 12:32:11

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1 A. I don't recall any specific 12:32:12

2 situations, but I'm sure I did. 12:32:14

3 Q. Did you -- were there any 12:32:16

4 modifications made to the proposed 12:32:18

5 allocations as a result of any feedback 12:32:22

6 received from customers? 12:32:25

7 A. No. 12:32:26

8 Q. Okay. You can set that aside. 12:32:31

9 A. Not that I'm aware of. 12:32:32

10 Q. Okay. And is that something 12:32:33

11 that would have been a decision you would 12:32:34

12 have been involved in? 12:32:37

13 A. Yes. 12:32:38

14 Q. Okay. You can set that aside. 12:32:39

15 (Mallinckrodt-Collier Exhibit 12:32:49

16 11 marked for identification.) 12:32:50

17 QUESTIONS BY MR. GOTTO: 12:32:50

18 Q. We've marked as Exhibit 12 12:33:11

19 {sic} a multipage document beginning at Bates 12:33:14

20 MNK-T1\_0007289278. Appears to be minutes and 12:33:16

21 action item from a November 23, 2011 business 12:33:23

22 review meeting. 12:33:30

23 MR. O'CONNOR: Just for 12:33:31

24 clarity, this is marked 11. 12:33:32

25 MR. GOTTO: Is it 11? Oh, 12:33:36

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1 that's because I was looking at 12 12:33:38

2 over here that we hadn't used yet. 12:33:39

3 Thank you. 12:33:41

4 MR. O'CONNOR: No problem. 12:33:41

5 QUESTIONS BY MR. GOTTO: 12:33:42

6 Q. If you could take a moment and 12:33:42

7 look at that document, Ms. Collier. I just 12:33:43

8 have a question for you on the third page. 12:33:45

9 A. Page 3. 12:35:51

10 Q. Yes, page 3, please. 12:35:52

11 First of all, do you recognize 12:35:53

12 what this document is? 12:35:54

13 A. Yes, I do. 12:35:55

14 Q. And what is it? 12:35:57

15 A. This is from our sales and 12:35:58

16 operations planning meeting that we would 12:36:01

17 have with the leaders of each business unit 12:36:03

18 and manufacturing. 12:36:06

19 Q. Okay. So turn to the third 12:36:08

20 page, please, and the table in the middle of 12:36:09

21 the page, the second line that begins with 12:36:14

22 "oxymorphone/oxycodone constraint." 12:36:19

23 Do you see that? 12:36:21

24 A. Yes. 12:36:22

25 Q. It says, "Favor oxymorphone 12:36:22

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1 production at the expense of oxycodone for 12:36:25  
2 generics." 12:36:27  
3 Do you know why that decision 12:36:28  
4 was made? 12:36:30  
5 A. The St. Louis plant -- I 12:36:31  
6 believe this was an incidence where the 12:36:34  
7 St. Louis plant was having a hard time 12:36:36  
8 manufacturing enough materials on a 12:36:38  
9 consistent basis due to the complexity, and I 12:36:41  
10 think that they -- we were reducing the 12:36:43  
11 amount of oxycodone we were producing because 12:36:46  
12 we lost some sales, and so they had to make a 12:36:48  
13 decision: Should they make more oxymorphone 12:36:50  
14 and -- at the expense of oxycodone for our 12:36:53  
15 business. 12:36:56  
16 Q. Okay. And then the next 12:36:57  
17 paragraph in that -- in that box on the table 12:37:00  
18 says, "Need to know impact of further 12:37:03  
19 oxycodone reduction for the generics business 12:37:05  
20 in order to manage demand to the appropriate 12:37:07  
21 levels." 12:37:09  
22 Do you see that? 12:37:10  
23 A. Oh, I see, in that same -- 12:37:11  
24 okay. "Need to know" the further -- yes. 12:37:16  
25 Q. And my question is: The 12:37:18

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1 reference to manage demand to appropriate 12:37:20  
2 levels, how would you -- what steps would -- 12:37:22  
3 as marketing director, what steps would you 12:37:25  
4 take to try to manage demand to appropriate 12:37:28  
5 levels? 12:37:30  
6 A. We could slow down shipping 12:37:30  
7 some orders to customers. We could ask 12:37:32  
8 customers, do not load inventory. We could 12:37:35  
9 not have as much safety stock. So there were 12:37:38  
10 a lot of things we could do to reduce the 12:37:41  
11 amount of inventory that was required for the 12:37:43  
12 year. 12:37:45  
13 Q. Okay. And that -- you'd view 12:37:46  
14 those steps as managing demand? 12:37:48  
15 A. Yes. 12:37:51  
16 Q. Okay. You can set that aside. 12:37:51  
17 (Mallinckrodt-Collier Exhibit 12:38:05  
18 12 marked for identification.) 12:38:06  
19 QUESTIONS BY MR. GOTTO: 12:38:06  
20 Q. Ms. Collier, we have now marked 12:38:26  
21 as Exhibit 12 a document, a multipage 12:38:27  
22 document, beginning at Bates 12:38:30  
23 MNK-T1\_0000661013. It appears to be an 12:38:33  
24 intern initiation prepared in June of 2014. 12:38:39  
25 If you could take a look at 12:38:44

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1 that and tell me if you recognize that 12:38:45  
2 document. 12:38:46  
3 A. (Witness nods head.) 12:38:46  
4 Q. Do you recognize that document? 12:39:57  
5 A. Yes, I do. 12:39:58  
6 Q. And what is it? 12:39:58  
7 A. It is to work with interns to 12:39:59  
8 explain to them who Mallinckrodt is, what our 12:40:04  
9 product looks like, our product line looks 12:40:06  
10 like, and educate them a little bit about the 12:40:08  
11 industry. 12:40:10  
12 Q. Okay. And did you prepare this 12:40:10  
13 document? 12:40:12  
14 A. I was one of the people. My 12:40:13  
15 team did it. 12:40:14  
16 Q. Okay. If you would turn to 12:40:15  
17 slide 4, which is Mallinckrodt Generics 12:40:22  
18 Business Overview, our key products in order 12:40:33  
19 of sales value, and then it lists a series of 12:40:36  
20 products. 12:40:40  
21 Best of your recollection, is 12:40:41  
22 this an accurate depiction of the key 12:40:43  
23 products Mallinckrodt generics offered in 12:40:46  
24 fiscal 2014? 12:40:49  
25 A. Yes. 12:40:50

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1 Q. Okay. And turn, if you would, 12:40:51  
2 to slide 17. 12:40:56  
3 A. (Witness complies.) 12:41:07  
4 Q. Products driving net sales. It 12:41:11  
5 says, "FY '14 net sales LE." 12:41:14  
6 What does the LE refer to in 12:41:17  
7 this setting? 12:41:19  
8 A. Latest estimate. 12:41:19  
9 Q. Okay. And FY '13 net sales, 12:41:20  
10 those are actuals, I take it? 12:41:24  
11 A. Correct. It's an overlay, so 12:41:25  
12 it's hard to see. 12:41:27  
13 Q. Okay. And to the best of your 12:41:29  
14 knowledge, the data depicted on this pie 12:41:33  
15 chart for fiscal '13 and '14 is accurate? 12:41:36  
16 A. Yes. 12:41:39  
17 Q. Okay. And turn, if you would, 12:41:41  
18 to slide 20. 12:41:51  
19 A. (Witness complies.) 12:41:53  
20 Q. And it's current market model, 12:41:57  
21 revised market model. And under current 12:42:02  
22 market model it says, "Products are pushed 12:42:03  
23 out to customers through pricing and 12:42:05  
24 incentive programs." 12:42:06  
25 And then under revised market 12:42:08



<p style="text-align: right;">Page 170</p> <p>1 model, "Customers add products through 12:42:10  2 pricing incentive programs and preferred 12:42:11  3 service." 12:42:13  4 Could you elaborate on the 12:42:14  5 distinction that's being drawn there and what 12:42:17  6 steps were taken at Mallinckrodt to move from 12:42:20  7 current model to revised model? 12:42:23  8 MR. O'CONNOR: Object to form. 12:42:25  9 THE WITNESS: Sure. Sure. 12:42:26  10 Previously we had the product, 12:42:29  11 we launched it. We went and talked to 12:42:32  12 customers and said, "Okay, you've got 12:42:33  13 Mylan product, you've got Teva 12:42:36  14 product, and we'd like you to switch 12:42:39  15 to our product." 12:42:40  16 And what we decided that we 12:42:40  17 needed to do was put the customer at 12:42:41  18 the center of our focus. 12:42:43  19 So our drug wholesalers, 12:42:44  20 warehousing chains and distributors, 12:42:46  21 mostly the drug wholesalers and the 12:42:47  22 warehousing chains, they had formed a 12:42:50  23 consortium, so we had to align better 12:42:51  24 with them and meet their needs rather 12:42:55  25 than us going to them and asking them 12:42:56</p>	<p style="text-align: right;">Page 172</p> <p>1 need to address their issues first." 12:43:49  2 So that's what we were doing, 12:43:51  3 was changing the way the company 12:43:52  4 looked at the customers. 12:43:56  5 QUESTIONS BY MR. GOTTO: 12:43:57  6 Q. Okay. Turn to slide 22, if you 12:43:57  7 would. There's a reference to customer 12:44:05  8 connectivity initiative, which sounds like it 12:44:09  9 may be part of what you were just talking 12:44:11  10 about. 12:44:12  11 A. Exactly. 12:44:12  12 Q. If you could just describe to 12:44:13  13 me what's meant by a customer connectivity 12:44:14  14 initiative. 12:44:16  15 A. That's exactly what it was. It 12:44:16  16 was to get our internal groups to understand 12:44:18  17 who the important customers were. So we 12:44:21  18 taught them, like, these are the customers 12:44:23  19 driving the value for the business, and 12:44:24  20 that's who's really paying your paycheck. 12:44:27  21 And then we empowered them to 12:44:30  22 make their own decisions to resolve issues. 12:44:33  23 So if there was a chargeback issue and they 12:44:36  24 thought that the customer was entitled to 12:44:38  25 that chargeback but we deducted it for some 12:44:39</p>
<p style="text-align: right;">Page 171</p> <p>1 to meet our needs. 12:42:58  2 So we came up with initiatives 12:43:00  3 to focus more on providing better 12:43:01  4 customer service than we had in the 12:43:05  5 past, better communication about 12:43:05  6 supply issues. And that's what this 12:43:07  7 was about, was how do we communicate 12:43:11  8 better than what we've been doing in 12:43:13  9 the past. 12:43:15  10 Because they had -- for 12:43:15  11 example, a huge customer might call in 12:43:18  12 and ask about where their order is. 12:43:20  13 They might get a voicemail because 12:43:24  14 they got bounced around on the phone 12:43:25  15 call for several people, so we gave 12:43:27  16 them dedicated people to work with. 12:43:29  17 We had -- we informed people in 12:43:31  18 contract admin, "If this particular 12:43:34  19 customer calls, make sure you answer 12:43:35  20 their call and address their issues. 12:43:37  21 They're a priority. Don't think that 12:43:40  22 everybody in your basket is as 12:43:41  23 important. There's 11 customers 12:43:43  24 driving all of our business, and you 12:43:46  25 need -- most of our business, and you 12:43:47</p>	<p style="text-align: right;">Page 173</p> <p>1 reason, they were now saying that they could 12:44:43  2 resolve that issue themselves. 12:44:44  3 And we actually surveyed 12:44:46  4 customers on what was important to them, and 12:44:47  5 that's how we came up with what we needed to 12:44:51  6 do. 12:44:53  7 MR. GOTTO: Okay. You can put 12:44:53  8 that aside. 12:44:55  9 Why don't we take our lunch 12:44:55  10 break. 12:44:58  11 VIDEOGRAPHER: We are going off 12:44:59  12 the record at 12:44 p.m. 12:45:00  13 (Off the record at 12:44 p.m.) 12:45:01  14 VIDEOGRAPHER: We are back on 13:26:47  15 the record at 1:33 p.m. 13:33:43  16 (Mallinckrodt-Collier Exhibit 13:33:44  17 13 marked for identification.) 13:33:45  18 QUESTIONS BY MR. GOTTO: 13:33:45  19 Q. Welcome back, Ms. Collier. 13:33:46  20 A. Thank you. 13:33:48  21 Q. We've marked as Exhibit 13 a 13:33:48  22 multipage document beginning with Bates 13:33:51  23 MNK-T1_0000607429. Appears to be a specialty 13:33:52  24 generic strategic plan, 2013 to 2017. It's 13:34:03  25 quite a lengthy document. I just have a few 13:34:07</p>

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<p>1 questions for you on it. 13:34:09</p> <p>2 If you could just look at it 13:34:10</p> <p>3 just briefly to confirm that -- or ascertain 13:34:11</p> <p>4 if you're familiar with it. 13:34:15</p> <p>5 A. Yes, I'm familiar with it. 13:34:37</p> <p>6 Q. And what is it? 13:34:38</p> <p>7 A. It is a STRAT plan, a strategic 13:34:39</p> <p>8 plan, about how our sales will project in the 13:34:44</p> <p>9 future. 13:34:48</p> <p>10 Q. Okay. And did you participate 13:34:48</p> <p>11 in the preparation of this? 13:34:50</p> <p>12 A. Yes, I did. 13:34:52</p> <p>13 Q. Okay. If you would turn to 13:34:53</p> <p>14 slide 20. And this is an industry trends 13:34:56</p> <p>15 retail slide. 13:35:07</p> <p>16 And the bottom two bullet 13:35:08</p> <p>17 items, one says, "Our focus here will 13:35:12</p> <p>18 continue to diminish as C-IIs become less of 13:35:15</p> <p>19 an opportunity." 13:35:18</p> <p>20 Do you know what's meant by 13:35:22</p> <p>21 that? 13:35:24</p> <p>22 A. I'm not clear what this meant 13:35:24</p> <p>23 in the context, no. 13:35:26</p> <p>24 Q. Okay. How about the next 13:35:27</p> <p>25 bullet, "Need to implement SOM monitoring for 13:35:28</p>	<p>1 though, what sorts of things would you do 13:36:41</p> <p>2 to -- to -- as it says, "Growing more 13:36:44</p> <p>3 profitable product families through a 13:36:46</p> <p>4 compliance initiative"? 13:36:48</p> <p>5 A. That means -- so, for example, 13:36:49</p> <p>6 if one of the drug wholesalers was not 13:36:51</p> <p>7 purchasing the volume that we thought they 13:36:55</p> <p>8 would, we would, again, work with them, find 13:36:56</p> <p>9 out why they weren't purchasing, were they 13:36:59</p> <p>10 buying from somebody else, too, because they 13:37:01</p> <p>11 could do that. They didn't have a commitment 13:37:03</p> <p>12 in their contract to buy any certain volumes. 13:37:06</p> <p>13 And because we didn't have a 13:37:09</p> <p>14 commitment from them that we would change 13:37:09</p> <p>15 your pricing, the only thing we could do was 13:37:11</p> <p>16 ask them specifically why were they were not 13:37:13</p> <p>17 buying. 13:37:16</p> <p>18 And if they were buying off of 13:37:16</p> <p>19 another program because somebody was offering 13:37:17</p> <p>20 at a lower price or if it was something 13:37:19</p> <p>21 that -- pharmacist's preference, anything 13:37:22</p> <p>22 like that, then we would try and uncover that 13:37:23</p> <p>23 and find out what we needed to do differently 13:37:25</p> <p>24 at our company in order to ensure that 13:37:27</p> <p>25 they're buying our product. 13:37:29</p>
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<p>1 HB/APAP for this class of customers in 13:35:31</p> <p>2 addition to the wholesalers." 13:35:34</p> <p>3 Do you know what's meant there? 13:35:36</p> <p>4 A. Hydrocodone APAP was going from 13:35:38</p> <p>5 a Schedule III to a Schedule II, so that 13:35:39</p> <p>6 means it was included in the suspicious order 13:35:43</p> <p>7 monitoring program. 13:35:45</p> <p>8 Q. Okay. All right. If you'd 13:35:46</p> <p>9 turn to slide 28, please. This is a slide 13:35:55</p> <p>10 entitled "Customer Initiatives." 13:36:05</p> <p>11 Toward the middle of the slide, 13:36:09</p> <p>12 there's a reference to "compliance 13:36:11</p> <p>13 initiatives based on growing more profitable 13:36:13</p> <p>14 product families." 13:36:16</p> <p>15 What would be examples of 13:36:17</p> <p>16 compliance initiatives? 13:36:20</p> <p>17 A. That would be, again, ensuring 13:36:21</p> <p>18 that the customers, when they gave us the 13:36:24</p> <p>19 volume, that they were buying at that volume 13:36:26</p> <p>20 level. And then we would worry more about 13:36:28</p> <p>21 the profitable products than the less 13:36:31</p> <p>22 profitable ones, because before we were just 13:36:32</p> <p>23 kind of focusing on everything. We needed to 13:36:35</p> <p>24 change our focus. 13:36:37</p> <p>25 Q. So in terms of the initiative, 13:36:38</p>	<p>1 Q. Okay. Turn to slide 54, 13:37:31</p> <p>2 please. This is the SWOT analysis. 13:37:38</p> <p>3 Under Strengths, the first -- 13:37:55</p> <p>4 A. It must be the wrong page, I'm 13:37:57</p> <p>5 sorry. 13:37:58</p> <p>6 Q. I'm sorry, it's slide 54. 13:37:58</p> <p>7 A. I was on 64. Even with my 13:38:00</p> <p>8 glasses I'm having a hard time reading those 13:38:02</p> <p>9 numbers. 13:38:04</p> <p>10 Q. These are a little tiny. 13:38:04</p> <p>11 A. Yes, they are. Thank you. 13:38:06</p> <p>12 Q. Okay. So the SWOT analysis for 13:38:07</p> <p>13 Mallinckrodt, under Strengths, the first 13:38:10</p> <p>14 bullet item is, "Recognized as leader in 13:38:11</p> <p>15 narcotics." 13:38:15</p> <p>16 Do you see that? 13:38:16</p> <p>17 A. Yes. 13:38:16</p> <p>18 Q. And what's the basis for that, 13:38:16</p> <p>19 that Mallinckrodt is recognized as a leader 13:38:19</p> <p>20 in narcotics? 13:38:20</p> <p>21 A. Partly due to our market share. 13:38:21</p> <p>22 It was a 150-year-old company that started 13:38:24</p> <p>23 out making the raw materials in narcotics and 13:38:27</p> <p>24 grew from -- growing our -- making narcotics 13:38:30</p> <p>25 all the way through to having a finished 13:38:33</p>

<p style="text-align: right;">Page 178</p> <p>1 dosage form, so they also sold tablets and 13:38:35</p> <p>2 everything. 13:38:37</p> <p>3 And anytime you're vertically 13:38:38</p> <p>4 integrated like that in the industry, that's 13:38:40</p> <p>5 really widely appreciated because there 13:38:42</p> <p>6 should be some consistency of supply behind 13:38:44</p> <p>7 that. 13:38:46</p> <p>8 Q. Okay. Under Strengths, the 13:38:47</p> <p>9 bottom bullet item says, "Lobbyists engaged 13:38:52</p> <p>10 in legislation." 13:38:54</p> <p>11 Do you recall at this time if 13:38:57</p> <p>12 there were any particular legislative 13:38:58</p> <p>13 initiatives that lobbyists were engaged in? 13:39:00</p> <p>14 A. I can't remember the specific 13:39:03</p> <p>15 initiative. I remember working with one of 13:39:09</p> <p>16 our lobbyists at that time. We were at a 13:39:12</p> <p>17 meeting in Washington, DC, and I can't 13:39:16</p> <p>18 remember specifically what that was around. 13:39:18</p> <p>19 It might have had to do with REMS, because of 13:39:19</p> <p>20 the cost of REMS. 13:39:22</p> <p>21 Q. Under Weaknesses there's 13:39:23</p> <p>22 "prolonged supply issues," and that's 13:39:25</p> <p>23 something we've touched on here today, 13:39:28</p> <p>24 correct? 13:39:29</p> <p>25 A. Correct. 13:39:30</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. Okay. Turn to slide 95, 13:40:30</p> <p>2 please. If it's easier, it's -- the Bates 13:40:46</p> <p>3 number ends in 523 in the lower right-hand 13:40:47</p> <p>4 corner. 13:40:52</p> <p>5 A. Perfect. Thank you. 13:40:52</p> <p>6 Q. This slide is on promotional 13:40:53</p> <p>7 positioning. 13:40:57</p> <p>8 What's meant by that phrase, 13:40:57</p> <p>9 "promotional positioning"? 13:41:01</p> <p>10 A. It means how are we different 13:41:02</p> <p>11 than Mylan, Teva and other competitors at 13:41:04</p> <p>12 that time. 13:41:07</p> <p>13 Q. Okay. And the second main 13:41:07</p> <p>14 bullet item says, "Primary focus is 13:41:12</p> <p>15 Mallinckrodt is a leader in pain management." 13:41:14</p> <p>16 Do you see that? 13:41:17</p> <p>17 A. Yes. 13:41:17</p> <p>18 Q. And under that, the bullet item 13:41:17</p> <p>19 is "committed to education." 13:41:19</p> <p>20 What's that referring to, 13:41:21</p> <p>21 "committed to education"? 13:41:24</p> <p>22 A. At one time there -- and I'm -- 13:41:25</p> <p>23 and I'm sorry if I misstate this, but I 13:41:29</p> <p>24 believe that there was a program intended to 13:41:31</p> <p>25 educate about pain management, and there were 13:41:34</p>
<p style="text-align: right;">Page 179</p> <p>1 Q. And it appears that that 13:39:30</p> <p>2 continued to be a problem up till the time 13:39:32</p> <p>3 this document was prepared, correct? 13:39:36</p> <p>4 A. Correct. 13:39:37</p> <p>5 Q. Under Threats, first bullet 13:39:37</p> <p>6 item is "pill mill legislation." 13:39:42</p> <p>7 Why was pill mill legislation a 13:39:45</p> <p>8 threat? 13:39:47</p> <p>9 MR. O'CONNOR: Objection. 13:39:47</p> <p>10 THE WITNESS: It wouldn't be 13:39:48</p> <p>11 considered a threat. It would mean -- 13:39:51</p> <p>12 a threat would be anything that would 13:39:53</p> <p>13 adjust our business, so we had to 13:39:54</p> <p>14 consider it. So I wouldn't say it's a 13:39:58</p> <p>15 threat, per se, that it's a reduction 13:40:00</p> <p>16 in our business, so it's going to 13:40:02</p> <p>17 impact the overall value of our 13:40:04</p> <p>18 portfolio. 13:40:06</p> <p>19 QUESTIONS BY MR. GOTTO: 13:40:06</p> <p>20 Q. Okay. Do you know if there was 13:40:08</p> <p>21 specific pending or proposed legislation 13:40:15</p> <p>22 related to pill mills at this time that was 13:40:20</p> <p>23 of particular interest? 13:40:22</p> <p>24 A. I really don't remember what 13:40:23</p> <p>25 that was around. 13:40:28</p>	<p style="text-align: right;">Page 181</p> <p>1 alternative therapies such as medication and 13:41:38</p> <p>2 things like that. 13:41:41</p> <p>3 And I'm not sure -- we never 13:41:42</p> <p>4 launched that program. But I'm not sure what 13:41:45</p> <p>5 it means in this context, what all we 13:41:48</p> <p>6 intended to do. 13:41:50</p> <p>7 Q. Okay. Two bullet items below 13:41:51</p> <p>8 that, there's a bullet item "education about 13:41:57</p> <p>9 the proper use of medication and therapeutic 13:41:58</p> <p>10 category." 13:42:00</p> <p>11 Do you see that? 13:42:01</p> <p>12 A. Yes. 13:42:01</p> <p>13 Q. Any more insight into education 13:42:02</p> <p>14 in that context? 13:42:05</p> <p>15 A. Well, and it seems that we did 13:42:05</p> <p>16 run a CE article, continuing education 13:42:08</p> <p>17 article, about proper use, and I do know that 13:42:10</p> <p>18 we looked at proper disposal of products, 13:42:13</p> <p>19 especially with the launch of fentanyl patch, 13:42:16</p> <p>20 so it was probably around that. 13:42:19</p> <p>21 Q. Okay. And the next bullet 13:42:22</p> <p>22 item, "Sponsor CE article in drug topics." 13:42:25</p> <p>23 Do you know what that article 13:42:28</p> <p>24 pertained to? 13:42:29</p> <p>25 A. I can't remember the specific 13:42:31</p>

<p style="text-align: right;">Page 182</p> <p>1 topic. 13:42:32</p> <p>2 Q. Okay. Next bullet item says, 13:42:33</p> <p>3 "Our primary vehicles for getting out our 13:42:36</p> <p>4 messages will be direct mail, Pharm/alert and 13:42:39</p> <p>5 PDQ." 13:42:43</p> <p>6 Direct mail in this setting, 13:42:44</p> <p>7 what is that referring to? 13:42:46</p> <p>8 A. That would be send it out -- 13:42:48</p> <p>9 send information out -- there's two levels: 13:42:51</p> <p>10 One is our buyers, our customers, which are 13:42:53</p> <p>11 the warehousing chains, wholesalers and 13:42:55</p> <p>12 distributors, or send something out to the 13:42:59</p> <p>13 retail pharmacies, which is downstream a 13:43:01</p> <p>14 little bit further. And so we -- so 13:43:04</p> <p>15 Pharm/alert goes to retail pharmacies. They 13:43:07</p> <p>16 can't sell them to hospital pharmacies, so 13:43:11</p> <p>17 the pharmacists get information that way. 13:43:12</p> <p>18 Q. When you said "they can't sell 13:43:16</p> <p>19 to hospital pharmacies," who is the "they" 13:43:39</p> <p>20 you're referring to there? 13:43:41</p> <p>21 Maybe I just didn't understand 13:43:45</p> <p>22 your answer. You were talking in terms of a 13:43:46</p> <p>23 direct mail to pharmacies. 13:43:47</p> <p>24 A. It can go to hospital 13:43:50</p> <p>25 pharmacies, hospital pharmacists. 13:43:53</p>	<p style="text-align: right;">Page 184</p> <p>1 A. We would do a direct mail on 13:44:45</p> <p>2 new products and tell them what product is 13:44:47</p> <p>3 now available. For example, I -- earlier I 13:44:49</p> <p>4 spoke to that we had fentanyl patch, fentanyl 13:44:51</p> <p>5 lozenge and methylphenidate, so we would give 13:44:51</p> <p>6 them information if the product's available 13:44:56</p> <p>7 so that they were aware. Because they may 13:44:59</p> <p>8 have been continuing to order -- even though 13:45:02</p> <p>9 we might have gotten the award on a contract, 13:45:04</p> <p>10 they may have continued to order from the 13:45:06</p> <p>11 competitor, not knowing that we were now 13:45:08</p> <p>12 available. 13:45:10</p> <p>13 Q. Okay. What is PDQ? 13:45:12</p> <p>14 A. PDQ is a pharm -- like 13:45:22</p> <p>15 Pharm/alert or any other mail. It's a 13:45:24</p> <p>16 collection of pieces from different 13:45:26</p> <p>17 manufacturers, and it comes in a big mailing 13:45:28</p> <p>18 packet, you know, like some of the junk mail 13:45:30</p> <p>19 you get, and so the pharmacists receive that. 13:45:32</p> <p>20 And they get a whole packet of information 13:45:34</p> <p>21 about new products and whatever other 13:45:36</p> <p>22 information that other companies might want 13:45:40</p> <p>23 to put out. 13:45:43</p> <p>24 Q. Okay. The next bullet item 13:45:43</p> <p>25 says, "Other vehicles will be webinars, our 13:45:44</p>
<p style="text-align: right;">Page 183</p> <p>1 Q. Okay. 13:43:55</p> <p>2 A. So we did sell to pharmacies 13:43:55</p> <p>3 through the wholesalers. 13:43:58</p> <p>4 Q. Okay. And so direct mail could 13:43:59</p> <p>5 go to retail pharmacies and hospital 13:44:02</p> <p>6 pharmacies? 13:44:03</p> <p>7 A. Correct. 13:44:03</p> <p>8 Q. Okay. And how often -- well, 13:44:04</p> <p>9 who was in charge of any kind of direct mail 13:44:12</p> <p>10 program that you engaged in from time to 13:44:19</p> <p>11 time? 13:44:21</p> <p>12 MR. O'CONNOR: Object to form. 13:44:21</p> <p>13 THE WITNESS: In charge of and 13:44:21</p> <p>14 actually -- 13:44:23</p> <p>15 QUESTIONS BY MR. GOTTO: 13:44:23</p> <p>16 Q. Who decided what was going to 13:44:24</p> <p>17 get sent out to whom? 13:44:25</p> <p>18 A. Well, that would be generated 13:44:27</p> <p>19 out of my department, and usually instructed 13:44:28</p> <p>20 by me and with approval of the president of 13:44:32</p> <p>21 the division. 13:44:35</p> <p>22 Q. Okay. And so in terms of 13:44:35</p> <p>23 direct mail to retail pharmacy or to hospital 13:44:38</p> <p>24 pharmacy, what sort of information would you 13:44:40</p> <p>25 provide to them in a direct mailing? 13:44:42</p>	<p style="text-align: right;">Page 185</p> <p>1 website and e-mails." 13:45:48</p> <p>2 What types of webinars were 13:45:49</p> <p>3 conducted? 13:45:51</p> <p>4 A. I don't remember what webinars 13:45:52</p> <p>5 we may or -- may have even done them, if we 13:45:56</p> <p>6 did them at all. 13:46:01</p> <p>7 Q. Who would have coordinated 13:46:02</p> <p>8 webinar activity? 13:46:03</p> <p>9 A. That would have been within 13:46:04</p> <p>10 promotion -- within the promotional group, 13:46:07</p> <p>11 which was in my team. 13:46:10</p> <p>12 Q. Okay. But you don't recall if 13:46:10</p> <p>13 that actually was done? 13:46:12</p> <p>14 A. No, I don't recall that. 13:46:12</p> <p>15 Q. Turn to slide 97, please, two 13:46:14</p> <p>16 after the one you're on. It's a slide about 13:46:27</p> <p>17 other promotional activities. 13:46:34</p> <p>18 And there's a bullet, "advisory 13:46:36</p> <p>19 boards, question mark, topics, value, 13:46:39</p> <p>20 potential participants." 13:46:42</p> <p>21 Do you recall if Mallinckrodt 13:46:43</p> <p>22 became involved in any advisory boards? 13:46:48</p> <p>23 A. No, we did not. 13:46:51</p> <p>24 Q. Was there a decision made not 13:46:52</p> <p>25 to do that, or is it just something that 13:46:54</p>



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<p>1 didn't come together? 13:46:56</p> <p>2 A. It was a decision not to do it. 13:46:57</p> <p>3 Q. Do you know why? 13:46:59</p> <p>4 A. My input was that there were 13:47:00</p> <p>5 challenges in trying to decide who would be 13:47:04</p> <p>6 on the board and what would even be the topic 13:47:06</p> <p>7 that we wanted to discuss. We couldn't 13:47:10</p> <p>8 perceive it to be something that we were 13:47:11</p> <p>9 having the customers do to give the customers 13:47:13</p> <p>10 a day out of the office. 13:47:16</p> <p>11 It needed to be something that 13:47:17</p> <p>12 was constructive for the company. We 13:47:18</p> <p>13 couldn't come up with what would be value for 13:47:20</p> <p>14 the company. 13:47:22</p> <p>15 Q. And if you turn to the next 13:47:23</p> <p>16 slide, slide 98, it's Generic Business 13:47:35</p> <p>17 Expenses, and the first line, which says, 13:47:45</p> <p>18 "Product Manager Collier." And there's some 13:47:47</p> <p>19 prior year, fiscal '12 and fiscal '13 13:47:52</p> <p>20 figures, which show a significant increase in 13:47:56</p> <p>21 fiscal year '13 budget versus the prior 13:47:58</p> <p>22 years. 13:48:00</p> <p>23 Do you know what the reason for 13:48:00</p> <p>24 that is? 13:48:02</p> <p>25 A. I think this was with the 13:48:03</p>	<p>1 document? 13:51:03</p> <p>2 A. Yes, I am. 13:51:03</p> <p>3 Q. And what is it? 13:51:04</p> <p>4 A. It's a strategic plan developed 13:51:05</p> <p>5 by the generics group, generics marketing 13:51:07</p> <p>6 group, for periods 2014 to 2019. 13:51:10</p> <p>7 Q. Okay. And did you participate 13:51:12</p> <p>8 in the preparation of this document? 13:51:13</p> <p>9 A. Yes, I did. 13:51:15</p> <p>10 Q. Okay. If you would turn to 13:51:16</p> <p>11 slide 8, please. The Bates number ends in 13:51:18</p> <p>12 723. 13:51:25</p> <p>13 A. (Witness complies.) 13:51:28</p> <p>14 Q. This is a trends slide, and the 13:51:29</p> <p>15 bottom half, there's a bullet item talking 13:51:35</p> <p>16 about "abuse-deterrent legislation." 13:51:37</p> <p>17 Do you see that? 13:51:40</p> <p>18 A. Yes. 13:51:40</p> <p>19 Q. What was abuse-deterrent 13:51:41</p> <p>20 legislation as used in this slide? 13:51:44</p> <p>21 A. There was consideration by 13:51:46</p> <p>22 several states to have products that if there 13:51:47</p> <p>23 was an abuse-deterrent product available, 13:51:49</p> <p>24 that they would give preference to that drug 13:51:53</p> <p>25 over other nonabuse-deterrent drugs. 13:51:57</p>
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<p>1 launch -- this may have been that we were 13:48:05</p> <p>2 preparing for the launch of -- one, I had 13:48:10</p> <p>3 more people on my staff to do more analytics, 13:48:12</p> <p>4 and this may have had to do something with 13:48:15</p> <p>5 the launch of methylphenidate, that we needed 13:48:18</p> <p>6 to increase the staffing prior to launch, and 13:48:21</p> <p>7 just better analytics around all of our sales 13:48:24</p> <p>8 numbers. 13:48:27</p> <p>9 Q. Okay. You can set that aside. 13:48:27</p> <p>10 A. Okay. 13:48:38</p> <p>11 (Mallinckrodt-Collier Exhibit 13:49:10</p> <p>12 14 marked for identification.) 13:49:10</p> <p>13 QUESTIONS BY MR. GOTTO: 13:49:10</p> <p>14 Q. Ms. Collier, Exhibit 14 is a 13:49:18</p> <p>15 multipage document beginning at Bates 13:49:21</p> <p>16 MNK-T1_0000663716. Appears to be a strategic 13:49:28</p> <p>17 plan for the years 2014 through '19. Again, 13:49:30</p> <p>18 I just have a couple of questions for you on 13:49:35</p> <p>19 the document. 13:49:37</p> <p>20 A. Okay. 13:49:37</p> <p>21 Q. But if you can look through it 13:49:37</p> <p>22 briefly just to familiarize yourself and 13:49:39</p> <p>23 confirm that you are familiar with it. 13:49:41</p> <p>24 A. Okay. 13:49:43</p> <p>25 Q. Are you familiar with this 13:51:02</p>	<p>1 Q. Okay. And the very last bullet 13:51:59</p> <p>2 item on this slide says, "Mallinckrodt and 13:52:00</p> <p>3 GPHA are opposed to this." 13:52:03</p> <p>4 Is that the abuse-deterrent 13:52:06</p> <p>5 legislation that Mallinckrodt was opposed to? 13:52:09</p> <p>6 MR. O'CONNOR: Object to form. 13:52:09</p> <p>7 THE WITNESS: Yes, I would 13:52:11</p> <p>8 assume based where it's placed in the 13:52:12</p> <p>9 slide, yes. 13:52:15</p> <p>10 QUESTIONS BY MR. GOTTO: 13:52:15</p> <p>11 Q. And do you know why 13:52:15</p> <p>12 Mallinckrodt was opposed to abuse-deterrent 13:52:16</p> <p>13 legislation? 13:52:21</p> <p>14 A. No, but I -- I could speculate, 13:52:21</p> <p>15 but I would think that it would be better 13:52:23</p> <p>16 placed with the lobbyists that were working 13:52:25</p> <p>17 on the program. 13:52:28</p> <p>18 Q. Okay. All right. And if you 13:52:28</p> <p>19 would turn to the Bates -- Bates number 768 13:52:31</p> <p>20 at the end, toward the back of the document. 13:52:35</p> <p>21 It's slide 53. It's the SWOT analysis. 13:52:38</p> <p>22 And this is similar to the SWOT 13:52:50</p> <p>23 analysis we looked at in the prior exhibit. 13:52:52</p> <p>24 Under Threats, though, I had a 13:52:54</p> <p>25 question on the last item: "Continued 13:52:58</p>

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1 attempts by government to restrict access in 13:53:00  
 2 an effort to reduce abuse or misuse which 13:53:02  
 3 affects pain patients." 13:53:06  
 4 Do you know what continued 13:53:07  
 5 attempts by the government are being referred 13:53:11  
 6 to in that bullet item? 13:53:14  
 7 A. Yes. It would have been 13:53:16  
 8 switching -- for here, for example, 13:53:20  
 9 hydrocodone APAP to a C-II to restrict access 13:53:22  
 10 so patients were getting fewer pills. So we 13:53:26  
 11 would have to accommodate the new request by 13:53:28  
 12 the government, and what would that mean in 13:53:31  
 13 our total volume. 13:53:33  
 14 Q. Okay. And that was a threat to 13:53:35  
 15 Mallinckrodt for what reason? 13:53:36  
 16 A. It just would be a reduction in 13:53:38  
 17 our overall volume of units and sales, 13:53:40  
 18 obviously. 13:53:44  
 19 Q. Okay. You can set that aside. 13:53:44  
 20 (Mallinckrodt-Collier Exhibits 13:54:19  
 21 15 and 16 marked for identification.) 13:54:20  
 22 QUESTIONS BY MR. GOTTO: 13:54:20  
 23 Q. We've marked as Exhibit 15 a 13:54:53  
 24 single-page e-mail bearing Bates 13:54:57  
 25 MNK-T1\_0000418885, and as Exhibit 16 what I 13:55:00

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1 believe is one of the attachments to that 13:55:08  
 2 e-mail, a multipage document that was 13:55:12  
 3 produced in native form under Bates 13:55:17  
 4 MNK-T1\_0000418886. 13:55:21  
 5 Take a look at those documents, 13:55:25  
 6 if you would, and tell me if you recognize 13:55:29  
 7 them. 13:55:31  
 8 A. Yes, I do recognize them. 13:55:32  
 9 Q. And what are they? 13:55:38  
 10 A. This is a sales report that was 13:55:39  
 11 pulled to indicate if some of our customers 13:55:44  
 12 were buying from more than one distributor, 13:55:48  
 13 because we did not typically look at that. 13:55:49  
 14 We just would get chargebacks from individual 13:55:52  
 15 wholesalers or distributors and never looked 13:55:55  
 16 across the channel to see if they were 13:55:57  
 17 possibly buying from other distributors. 13:55:59  
 18 Q. And why was that of interest to 13:56:01  
 19 you, whether they were buying from other 13:56:03  
 20 distributors? 13:56:04  
 21 MR. O'CONNOR: Object to form. 13:56:05  
 22 THE WITNESS: It was my thought 13:56:06  
 23 that our distributors may not know 13:56:10  
 24 that -- distributors and wholesalers 13:56:14  
 25 each have a limit, too, in which 13:56:15

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1 they'll sell to the customer. They 13:56:17  
 2 may not know that that particular 13:56:18  
 3 customer is buying from other 13:56:19  
 4 distributors or wholesalers. 13:56:21  
 5 So because of the issue in 13:56:22  
 6 Florida, we looked at Florida and 13:56:24  
 7 pulled those customers that we thought 13:56:27  
 8 were possibly buying from other 13:56:29  
 9 distributors. 13:56:33  
 10 QUESTIONS BY MR. GOTTO: 13:56:34  
 11 Q. Okay. So is this the work 13:56:34  
 12 product that you were referring to earlier 13:56:37  
 13 today when you talked about analysis that you 13:56:39  
 14 and Ms. Muhlenkamp did after the Sunrise 13:56:41  
 15 issues surfaced? 13:56:46  
 16 A. Correct. 13:56:47  
 17 Q. Okay. So the attachment -- 13:56:48  
 18 just to be sure I understand the -- what's 13:56:52  
 19 depicted here. Customer name -- the customer 13:56:57  
 20 in the context of Exhibit 16 is 13:57:00  
 21 Mallinckrodt's customer's customer, correct? 13:57:03  
 22 MR. O'CONNOR: Object to form. 13:57:07  
 23 THE WITNESS: Well, I want to 13:57:08  
 24 be clear I'm not sure, because what 13:57:11  
 25 could happen is one of our customers 13:57:12

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1 could sell to another pharmacy, and 13:57:14  
 2 that pharmacy, in turn, sold to other 13:57:16  
 3 pharmacies. So it's never really 13:57:19  
 4 clear unless we get chargeback data 13:57:21  
 5 back on where it went. 13:57:26  
 6 QUESTIONS BY MR. GOTTO: 13:57:27  
 7 Q. Okay. So is the customer 13:57:28  
 8 that's listed on Exhibit 16 the entity that 13:57:29  
 9 would be identified as a customer in the 13:57:32  
 10 chargeback report that Mallinckrodt 13:57:34  
 11 maintained? 13:57:37  
 12 A. Correct. 13:57:37  
 13 Q. Okay. And that may be the 13:57:38  
 14 direct customer of Mallinckrodt's customer or 13:57:45  
 15 may be an indirect customer of Mallinckrodt's 13:57:48  
 16 customer; is that fair? 13:57:51  
 17 MR. O'CONNOR: Object to form. 13:57:52  
 18 THE WITNESS: Correct. 13:57:52  
 19 QUESTIONS BY MR. GOTTO: 13:57:53  
 20 Q. And this report is for the 13:58:04  
 21 September 2010 time period; is that correct? 13:58:07  
 22 A. Yes. It appears to be. 13:58:09  
 23 Q. Is this the first time that you 13:58:15  
 24 and Ms. Muhlenkamp gathered this information; 13:58:33  
 25 do you know? 13:58:36

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1	A. Yes.	13:58:37	1	the list, the Tru-Valu Drugs customer, that	14:00:15
2	Q. Okay.	13:58:38	2	was buying from six distributors, correct?	14:00:19
3	A. That I remember it is.	13:58:38	3	A. Yes.	14:00:22
4	Q. Okay. Did you engage in this	13:58:40	4	Q. How did you ascertain how many	14:00:23
5	data gathering process again in the future?	13:58:44	5	different distributors a customer was buying	14:00:26
6	MR. O'CONNOR: Object to form.	13:58:47	6	from?	14:00:30
7	THE WITNESS: Not that I	13:58:48	7	A. Kate Neely, Kate Muhlenkamp,	14:00:30
8	recall.	13:58:51	8	pulled this, and I'm not sure exactly, but	14:00:36
9	QUESTIONS BY MR. GOTTO:	13:58:51	9	I'm sure in a query you can develop this and	14:00:38
10	Q. Okay. So according to	13:58:52	10	then have what distributor or wholesaler	14:00:41
11	Exhibit 15, your cover e-mail, you sent this	13:58:56	11	issued the chargeback. So she would be able	14:00:46
12	to Mr. Becker, Mr. Borelli and Ms. Williams,	13:58:58	12	to ascertain from that.	14:00:48
13	correct?	13:59:04	13	Q. So the number of distributors	14:00:50
14	A. Correct.	13:59:04	14	here -- so, for example, Tru-Valu Drugs	14:00:57
15	Q. And did you have further	13:59:05	15	buying from six different distributors, are	14:01:01
16	discussions with them regarding the data or	13:59:06	16	those six different Mallinckrodt	14:01:03
17	any further evaluation of this data?	13:59:09	17	distributors?	14:01:06
18	MR. O'CONNOR: Object to form.	13:59:13	18	A. Correct.	14:01:06
19	THE WITNESS: Yes, we did.	13:59:13	19	Q. Okay. So it's possible they	14:01:08
20	QUESTIONS BY MR. GOTTO:	13:59:14	20	could have been buying from other parties as	14:01:11
21	Q. What can you recall?	13:59:14	21	well, correct?	14:01:13
22	A. I recall having a discussion	13:59:15	22	A. Correct.	14:01:13
23	with them that they needed to talk to their	13:59:18	23	Q. Okay. Is there -- what would	14:01:14
24	distributors and wholesalers and advise them	13:59:20	24	be a business reason why a party identified	14:01:31
25	that these might be problem customers and	13:59:23	25	as a customer on this list would buy from	14:01:35
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1	that we would no longer issue chargebacks --	13:59:26	1	multiple Mallinckrodt distributors?	14:01:37
2	or pay them chargebacks for these customers	13:59:28	2	A. I'm not sure why they would do	14:01:40
3	if they continued selling to them.	13:59:30	3	that. I don't know if you need me to	14:01:45
4	Q. Okay. And so would that be the	13:59:32	4	speculate, but I'm not sure that I know why	14:01:50
5	case as to any of your customers' customers	13:59:36	5	each individual customer did that.	14:01:53
6	if they were buying from multiple	13:59:38	6	Q. Okay. When you gathered this	14:01:57
7	distributors, you would not pay chargebacks	13:59:40	7	information, was it surprising to you to	14:02:01
8	to your -- to Mallinckrodt's distributor?	13:59:42	8	learn how many distributors these customers	14:02:04
9	MR. O'CONNOR: Object to form.	13:59:44	9	were buying from?	14:02:08
10	THE WITNESS: No, it was	13:59:45	10	MR. O'CONNOR: Object to form.	14:02:09
11	specific to these customers that we	13:59:48	11	THE WITNESS: Yes.	14:02:10
12	identified, and that was all.	13:59:50	12	QUESTIONS BY MR. GOTTO:	14:02:11
13	QUESTIONS BY MR. GOTTO:	13:59:52	13	Q. Would your expectation have	14:02:12
14	Q. Okay.	13:59:52	14	been that they would have been buying from	14:02:13
15	A. I don't know if anybody else	13:59:52	15	just one distributor?	14:02:16
16	took action later.	13:59:55	16	A. Yes.	14:02:18
17	Q. Okay. But the rationale was	13:59:57	17	Q. And in the month of September,	14:02:18
18	because they were buying from multiple	13:59:58	18	if I'm reading this correctly, it's	14:02:32
19	distributors, Mallinckrodt wouldn't pay	14:00:00	19	approximately a million and a half dollars of	14:02:35
20	chargebacks to the distributor who was buying	14:00:03	20	gross sales to these various customers; is	14:02:38
21	from Mallinckrodt, correct?	14:00:05	21	that correct?	14:02:40
22	A. Correct.	14:00:06	22	A. Yes.	14:02:40
23	MR. O'CONNOR: Object to form.	14:00:06	23	Q. Do you have any estimate of the	14:02:41
24	QUESTIONS BY MR. GOTTO:	14:00:06	24	percentage of sales of Mallinckrodt product	14:02:51
25	Q. Okay. And the second entry on	14:00:13	25	in September of 2010 that went to the state	14:02:56

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1 of Florida, what percentage of those sales 14:02:59  
2 are reflected on Exhibit 16? 14:03:02  
3 MR. O'CONNOR: Object to form. 14:03:05  
4 THE WITNESS: I don't know. 14:03:06  
5 QUESTIONS BY MR. GOTTO: 14:03:06  
6 Q. Was any effort made to 14:03:08  
7 ascertain that? 14:03:10  
8 A. I'm sure that we knew 14:03:11  
9 somewhere, but I didn't know for a fact based 14:03:13  
10 on this. 14:03:14  
11 Q. Do you know if the chargeback 14:03:16  
12 database that Mallinckrodt maintained would 14:03:27  
13 have been a source for that information? 14:03:30  
14 MR. O'CONNOR: Object to form. 14:03:31  
15 THE WITNESS: Could you repeat 14:03:32  
16 the question? 14:03:35  
17 QUESTIONS BY MR. GOTTO: 14:03:35  
18 Q. Yeah. 14:03:36  
19 My question about the 14:03:36  
20 percentage of sales into Florida that these 14:03:37  
21 Exhibit 16 sales reflect, do you know if the 14:03:42  
22 chargeback data that Mallinckrodt maintained 14:03:44  
23 could have been queried to ascertain the 14:03:48  
24 answer to that question? 14:03:51  
25 MR. O'CONNOR: Object to form. 14:03:51

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1 THE WITNESS: I would assume 14:03:52  
2 so, because we did it here. 14:03:53  
3 QUESTIONS BY MR. GOTTO: 14:03:55  
4 Q. And I think you indicated 14:04:00  
5 earlier that when you spoke to Mr. Becker and 14:04:06  
6 Borelli and Ms. Williams about this data, 14:04:14  
7 part of the idea was to let the distributors 14:04:17  
8 know what you had discovered. 14:04:20  
9 Do you know if that's -- if 14:04:24  
10 that information would otherwise have been 14:04:27  
11 available to Mallinckrodt's distributor 14:04:30  
12 customers? 14:04:33  
13 MR. O'CONNOR: Object to form. 14:04:33  
14 QUESTIONS BY MR. GOTTO: 14:04:34  
15 Q. In other words, would they have 14:04:34  
16 had any independent way of ascertaining which 14:04:36  
17 of their customers were buying from other 14:04:40  
18 Mallinckrodt distributors? 14:04:41  
19 MR. O'CONNOR: Same objection. 14:04:42  
20 THE WITNESS: I wouldn't know 14:04:43  
21 what their systems could do. 14:04:45  
22 QUESTIONS BY MR. GOTTO: 14:04:47  
23 Q. Okay. And I think you've 14:04:47  
24 already testified you performed this analysis 14:04:55  
25 just this one time that's reflected here on 14:04:57

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1 Exhibit 16, correct? 14:04:59  
2 A. Correct. 14:05:00  
3 MR. O'CONNOR: Object to form. 14:05:01  
4 QUESTIONS BY MR. GOTTO: 14:05:01  
5 Q. Do you know if any similar 14:05:02  
6 analysis was ever conducted with respect to 14:05:05  
7 sales in states other than Florida? 14:05:08  
8 A. I believe there were other 14:05:11  
9 states listed in here. Well, I know there 14:05:15  
10 are, so I don't know if it was just run for 14:05:19  
11 all states or if there was a limited 14:05:22  
12 population that we were looking for. 14:05:25  
13 Q. Well, it appears that the 14:05:28  
14 significant -- the substantial majority of 14:05:32  
15 the states -- of the customers on here are 14:05:36  
16 identified as Florida, although there were 14:05:38  
17 multiple other states listed as well. 14:05:47  
18 Do you know -- is it your 14:05:42  
19 understanding that this list, Exhibit 16, is 14:05:45  
20 a list of all of the parties identified as 14:05:48  
21 customer in Mallinckrodt's chargeback data 14:05:52  
22 for September 2010 who were indicated to have 14:05:55  
23 bought from multiple distributors? 14:05:59  
24 A. To my knowledge, this was the 14:06:01  
25 list. 14:06:03

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1 Q. Okay. 14:06:03  
2 A. This is the entire list. 14:06:04  
3 Q. For all states? 14:06:05  
4 A. And I want to be clear, too. 14:06:07  
5 It says September 2010. I don't know the 14:06:09  
6 time frame on this. 14:06:12  
7 Q. Okay. Do you have an 14:06:12  
8 understanding of what the reference to 14:06:16  
9 September 2010 in the title of the document 14:06:19  
10 means? 14:06:21  
11 A. That's when the query was 14:06:22  
12 pulled for the September -- in 2010. She 14:06:24  
13 does not have a specific date on here. We 14:06:28  
14 normally would have documented that 14:06:32  
15 somewhere. 14:06:33  
16 Q. Do you -- 14:06:33  
17 A. But -- 14:06:35  
18 Q. Go ahead. 14:06:36  
19 A. Okay. It was run on 14:06:36  
20 11/19/2010, but she doesn't even say there if 14:06:38  
21 it's just one month or -- I don't know the 14:06:41  
22 time frame, sorry. 14:06:43  
23 Q. Okay. So you don't know if the 14:06:44  
24 data -- if the sales that are reflected on 14:06:45  
25 Exhibit 16 occurred in September 2010 or at 14:06:49



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1	some other point? 14:06:52	1	A. It's the percent of the total 14:08:38
2	A. Right. 14:06:53	2	units. And so she had to divide where -- 14:08:43
3	Q. Presumably it would have 14:06:54	3	where was the units, who was the average, who 14:08:48
4	included September 2010, but it might have 14:06:56	4	was the median, the most frequent number, and 14:08:51
5	extended beyond that? 14:06:59	5	so the total dispensed units. 14:08:54
6	A. Correct. 14:07:00	6	Q. Okay. So it's a comparison. 14:08:57
7	Q. You just don't know? 14:07:00	7	So, for example, West Coast 14:08:58
8	A. Correct. 14:07:02	8	Pharmacy on the first page, 499.7 percent is 14:09:00
9	Q. Okay. And so if it's the case 14:07:03	9	a comparison of the 173,900 to the 34,800 for 14:09:05
10	that Exhibit 16 reflects all of the customers 14:07:11	10	David's Pharmacy? 14:09:11
11	buying from multiple Mallinckrodt 14:07:16	11	A. Yes, that would be the -- 14:09:13
12	distributors for whatever time period is 14:07:18	12	they're 499 percent to the average purchaser. 14:09:17
13	applicable here, it would appear to be the 14:07:20	13	Q. Okay. Thank you. 14:09:20
14	case that that phenomenon of customers buying 14:07:23	14	At the time of the preparation 14:09:43
15	from multiple distributors was highly 14:07:28	15	of the analysis or the compilation that's 14:09:44
16	concentrated, if not exclusive, to the state 14:07:32	16	reflected on Exhibit 16, did you make any 14:09:50
17	of Florida. 14:07:34	17	attempt to evaluate the magnitude of sales 14:09:53
18	It was at least highly 14:07:35	18	from Mallinckrodt to any of the particular 14:10:03
19	concentrated in Florida, correct? 14:07:37	19	distributors who -- whose customers, direct 14:10:06
20	MR. O'CONNOR: Object to form. 14:07:38	20	or indirect, are reflected on Exhibit 16? 14:10:11
21	THE WITNESS: This would 14:07:39	21	A. I do remember knowledge of -- 14:10:14
22	reflect only those customers or 14:07:40	22	that there were certain distributors or 14:10:19
23	pharmacies that were issued a 14:07:42	23	wholesalers in the list. 14:10:21
24	chargeback as part of a contract. 14:07:43	24	Q. And whom do you recall being in 14:10:23
25	So I cannot speak to that, 14:07:45	25	that category? 14:10:25
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1	because I don't know who purchased the 14:07:47	1	A. I remember Smith Drug was one 14:10:25
2	product at this price from the 14:07:49	2	of them. 14:10:28
3	wholesaler or at some other -- on 14:07:50	3	Q. Okay. Do you remember if there 14:10:29
4	other various contracts or various 14:07:54	4	was any particular analysis of KeySource? 14:10:32
5	pharmacy names. So it could be 14:07:56	5	MR. O'CONNOR: Object to form. 14:10:39
6	misleading if I tell you yes. 14:07:58	6	THE WITNESS: I don't. 14:10:40
7	QUESTIONS BY MR. GOTTO: 14:08:00	7	QUESTIONS BY MR. GOTTO: 14:10:41
8	Q. Okay. But certainly among the 14:08:00	8	Q. Okay. And how about Sunrise? 14:10:41
9	universe of customers whose purchases gave 14:08:03	9	MR. O'CONNOR: Object to form. 14:10:42
10	rise to a chargeback claim that a distributor 14:08:05	10	THE WITNESS: I don't remember 14:10:44
11	made to Mallinckrodt, it's the case that this 14:08:08	11	that either. 14:10:44
12	phenomenon of purchases from multiple 14:08:11	12	At that time I'm not sure if 14:10:45
13	distributors was heavily concentrated in 14:08:13	13	they were still in our sales, because 14:10:46
14	Florida? 14:08:15	14	I'm not sure when the DEA took 14:10:49
15	MR. O'CONNOR: Object to form. 14:08:15	15	enforcement action on them. 14:10:52
16	THE WITNESS: It appears so, 14:08:16	16	QUESTIONS BY MR. GOTTO: 14:10:54
17	yes. 14:08:20	17	Q. Okay. You can set those aside. 14:10:54
18	QUESTIONS BY MR. GOTTO: 14:08:20	18	(Mallinckrodt-Collier Exhibit 14:11:26
19	Q. And on page 3, the David's 14:08:21	19	17 marked for identification.) 14:11:26
20	Pharmacy line is highlighted. 14:08:25	20	QUESTIONS BY MR. GOTTO: 14:11:26
21	Do you have any idea why that 14:08:26	21	Q. We have marked as Exhibit 17 a 14:11:26
22	is? Is it because it's the average? 14:08:28	22	multipage e-mail thread beginning at 14:11:30
23	A. Correct. 14:08:30	23	MNK-T1_0000483766, and it's an e-mail 14:11:33
24	Q. And that percent to average 14:08:31	24	exchange from June of 2010 concerning 14:11:41
25	column, what is that reflecting? 14:08:35	25	oxycodone sales in Florida. 14:11:45

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1	Take a moment to look at those 14:11:47	1	investigatory work she had done? 14:15:05
2	and -- those e-mails. Let me know after 14:11:50	2	A. Yes, she did. 14:15:07
3	you've reviewed them. 14:11:53	3	MR. O'CONNOR: Object to form. 14:15:07
4	A. Okay. 14:11:55	4	QUESTIONS BY MR. GOTTO: 14:15:08
5	Q. Do you recognize those e-mails? 14:12:56	5	Q. Okay. And she sent her 14:15:10
6	A. Yes, I do. 14:12:58	6	e-mail -- I just would like to understand who 14:15:13
7	Q. Okay. So turning to the 14:13:00	7	the folks are that she sent it to. 14:15:15
8	earliest in time in the thread, from 14:13:03	8	Who was Dave Irwin? 14:15:17
9	Ms. Muhlenkamp on June 18th, e-mail from her 14:13:08	9	A. Dave Irwin was a national 14:15:19
10	to a number of people and copying you, she 14:13:13	10	account manager. 14:15:21
11	talks about Harvard Drug's license being 14:13:21	11	Q. Okay. As was Mr. Becker, 14:15:22
12	suspended. She then goes on to mention that 14:13:26	12	correct? 14:15:24
13	Sunrise wholesaler's DEA license was 14:13:30	13	A. Correct. 14:15:24
14	suspended. 14:13:34	14	Q. And how about Tim Berry? 14:15:25
15	And then she says, "The two 14:13:34	15	A. National account manager. 14:15:28
16	wholesaler distributor license suspensions 14:13:36	16	Q. And Bonnie New? 14:15:29
17	led us to do a more in-depth analysis of 14:13:38	17	A. Correct, national account 14:15:30
18	Covidien's oxycodone sales in the state of 14:13:42	18	manager. 14:15:33
19	Florida. We specifically focused on doctors' 14:13:44	19	Q. As was Mr. Borelli and Dan 14:15:33
20	offices and pain clinics." 14:13:49	20	Sanders? 14:15:37
21	And is that the initiative that 14:13:51	21	A. Yes. 14:15:38
22	we discussed this morning -- 14:13:53	22	Q. Also a national account 14:15:38
23	A. Yes, it is. 14:13:54	23	manager? 14:15:39
24	Q. -- where she queried the 14:13:54	24	A. Yes, for hospital accounts. 14:15:39
25	chargeback database? 14:13:57	25	Q. And Rich McKendrick? 14:15:40
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1	A. Yes. 14:13:58	1	A. Yes, he was for government 14:15:43
2	Q. Okay. She says, "It appears 14:13:59	2	accounts. 14:15:45
3	that Harvard and Sunrise were the dominant 14:14:04	3	Q. And Alex McGregor? 14:15:45
4	players in this market, with over 50 percent 14:14:06	4	A. National account manager for 14:15:47
5	of their total sales coming from this market. 14:14:08	5	hospital accounts. 14:15:49
6	HD Smith, KeySource and McKesson Onestop are 14:14:11	6	Q. Okay. And on the cc line, who 14:15:50
7	next, with only 3 percent to their total 14:14:15	7	was Robert Lesnak? 14:15:52
8	sales coming from doctors' offices and pain 14:14:17	8	A. Robert Lesnak led the hospital 14:15:53
9	clinics." 14:14:19	9	institutional sales team and addiction 14:15:56
10	She goes on to say, "Karen 14:14:20	10	treatment team. He's a sales leader. 14:15:59
11	Harper and team, parens, internal Covidien 14:14:22	11	Q. And so when you and 14:16:03
12	investigators, paren, will be working closely 14:14:27	12	Ms. Muhlenkamp discussed the results of her 14:16:10
13	with the DEA regarding their investigation of 14:14:28	13	work before she sent the e-mail out, did you 14:16:13
14	the distribution of oxycodone in Florida, and 14:14:32	14	instruct her who to forward the information 14:16:15
15	we will keep you apprised of further 14:14:34	15	to? 14:16:19
16	happenings, period." 14:14:37	16	A. Yes. I would have been 14:16:19
17	You then -- you responded to 14:14:41	17	included in the conversation. I don't think 14:16:22
18	that e-mail by saying, "It was excellent. 14:14:44	18	I instructed her, but I think I was included 14:16:24
19	You may want to send this to Karen Harper, 14:14:46	19	in the conversation to copy everyone. 14:16:27
20	too." 14:14:48	20	Q. Okay. And what was the reason 14:16:28
21	Correct? 14:14:49	21	for providing this information to the 14:16:29
22	A. Yes. 14:14:49	22	national account managers? 14:16:33
23	Q. And so before Ms. Muhlenkamp 14:14:50	23	A. To apprise them that there was 14:16:33
24	sent her e-mail, her June 18th e-mail, had 14:14:58	24	a problem with accounts and to be aware of 14:16:35
25	she discussed with you the results of the 14:15:00	25	who might be targeted next and who they 14:16:38

<p style="text-align: right;">Page 210</p> <p>1 should be watching; if there was any issues 14:16:44</p> <p>2 going on with the account, that they should 14:16:46</p> <p>3 be aware of it. 14:16:49</p> <p>4 Q. Okay. And so the analysis that 14:16:49</p> <p>5 Ms. Muhlenkamp did here regarding doctors' 14:16:52</p> <p>6 offices and pain clinics, that's a separate 14:16:56</p> <p>7 analysis from the multi-distributor analysis 14:16:58</p> <p>8 we looked at a few minutes ago, correct? 14:17:01</p> <p>9 MR. O'CONNOR: Object to form. 14:17:02</p> <p>10 THE WITNESS: Yes. 14:17:03</p> <p>11 QUESTIONS BY MR. GOTTO: 14:17:04</p> <p>12 Q. And you then suggested to 14:17:11</p> <p>13 Ms. Muhlenkamp that she send her e-mail to 14:17:14</p> <p>14 Karen Harper. 14:17:16</p> <p>15 What was your reason for that? 14:17:16</p> <p>16 A. I think Karen Harper, as the 14:17:18</p> <p>17 lead of the suspicious order monitoring or 14:17:21</p> <p>18 the compliance team, that she needed to be 14:17:22</p> <p>19 fully aware of what we uncovered in case she 14:17:25</p> <p>20 gets questions herself, that she could be 14:17:29</p> <p>21 fully informed. 14:17:32</p> <p>22 Q. So at this time you had been at 14:17:33</p> <p>23 Mallinckrodt about nine or ten -- about 10 or 14:17:34</p> <p>24 11 months, correct? 14:17:37</p> <p>25 A. Correct. 14:17:38</p>	<p style="text-align: right;">Page 212</p> <p>1 Q. And what was your reason for 14:18:34</p> <p>2 making those site visits? 14:18:35</p> <p>3 A. I had not dealt with some of 14:18:37</p> <p>4 these distributors in the past, and I was not 14:18:38</p> <p>5 familiar with them, so I was curious as to 14:18:41</p> <p>6 what they were about and how they did 14:18:43</p> <p>7 business. 14:18:44</p> <p>8 Q. Did you ever express to anyone 14:18:45</p> <p>9 at Mallinckrodt at this time period, early in 14:18:53</p> <p>10 your tenure, any sentiments that would 14:18:59</p> <p>11 indicate a skepticism of the distributors in 14:19:02</p> <p>12 any regard? 14:19:06</p> <p>13 MR. O'CONNOR: Object to form. 14:19:07</p> <p>14 THE WITNESS: I think my 14:19:08</p> <p>15 skepticism on dealing with most of 14:19:10</p> <p>16 these distributors is that they -- 14:19:12</p> <p>17 their value was driving down the price 14:19:14</p> <p>18 in the market, and as a business -- 14:19:15</p> <p>19 sound business practice, that's not 14:19:18</p> <p>20 good. You're driving down the value 14:19:20</p> <p>21 of your own business because you're 14:19:22</p> <p>22 selling to them, they're underselling 14:19:24</p> <p>23 the wholesalers that actually provide 14:19:26</p> <p>24 a value in a marketplace, and so they 14:19:28</p> <p>25 were undermining the marketplace. And 14:19:31</p>
<p style="text-align: right;">Page 211</p> <p>1 Q. Had you -- as of the time of 14:17:39</p> <p>2 Ms. Muhlenkamp's e-mail, had you dealt with 14:17:42</p> <p>3 Ms. Harper at all? 14:17:45</p> <p>4 A. Yes, I had. 14:17:45</p> <p>5 Q. In what context? 14:17:47</p> <p>6 A. Conversations and some 14:17:48</p> <p>7 educational materials around suspicious order 14:17:53</p> <p>8 monitoring because I was not as familiar with 14:17:56</p> <p>9 it as I needed to be. 14:17:58</p> <p>10 And I went with her to -- she 14:18:00</p> <p>11 was doing site visits to a couple of 14:18:06</p> <p>12 facilities, and I went with her to site 14:18:08</p> <p>13 visits. 14:18:10</p> <p>14 Q. Okay. Where can you remember 14:18:10</p> <p>15 going for site visits? 14:18:11</p> <p>16 A. Masters Drug and Masters 14:18:14</p> <p>17 Wholesale and KeySource. 14:18:17</p> <p>18 Q. Are those in Cincinnati? 14:18:18</p> <p>19 A. Masters? Yes. 14:18:20</p> <p>20 Q. Okay. And about when did those 14:18:22</p> <p>21 site visits occur, if you can recall? 14:18:26</p> <p>22 A. I can't. It was fairly early 14:18:29</p> <p>23 in my tenure -- 14:18:30</p> <p>24 Q. Okay. 14:18:33</p> <p>25 A. -- with Mallinckrodt. 14:18:33</p>	<p style="text-align: right;">Page 213</p> <p>1 I was concerned about that. 14:19:33</p> <p>2 On my tour to Masters, I do 14:19:36</p> <p>3 remember that was a little bit taken 14:19:38</p> <p>4 aback about their sales practice. 14:19:41</p> <p>5 That's not something I had normally 14:19:42</p> <p>6 seen in the pharmaceutical industry. 14:19:44</p> <p>7 And that they were selling on price 14:19:45</p> <p>8 and shouting out deals, and that was 14:19:47</p> <p>9 very shocking to me. 14:19:49</p> <p>10 QUESTIONS BY MR. GOTTO: 14:19:51</p> <p>11 Q. Okay. And when you say 14:19:51</p> <p>12 "selling on price and shouting out deals," 14:19:52</p> <p>13 what -- in what sort of setting do you mean 14:19:55</p> <p>14 that? 14:19:57</p> <p>15 A. They had someone at the front 14:19:58</p> <p>16 would say, "Now we're selling acetaminophen 14:20:00</p> <p>17 for two dollars a bottle from this company," 14:20:05</p> <p>18 and that is not how I normally saw it; that 14:20:08</p> <p>19 they typically would call the customer and 14:20:10</p> <p>20 ask them what they needed. 14:20:13</p> <p>21 This one was that they were 14:20:14</p> <p>22 doing calls out and driving sales to 14:20:15</p> <p>23 particular products based on pricing. 14:20:18</p> <p>24 Q. Huh. 14:20:20</p> <p>25 And in your experience, that 14:20:21</p>

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1 was not something you were familiar with in 14:20:24  
2 the industry? 14:20:27  
3 A. I had not seen it done that 14:20:27  
4 way, no. 14:20:29  
5 Q. On the second page of the 14:20:29  
6 exhibit, there's an e-mail from 14:20:44  
7 Ms. Muhlenkamp to Karen Harper, copying you, 14:20:46  
8 saying, "We communicated the bullet to our 14:20:50  
9 sales team. We tried to word it carefully as 14:20:54  
10 to not overstep any actions you are taking." 14:20:56  
11 Do you know what actions 14:20:58  
12 Ms. Harper may have been taking that 14:21:00  
13 Ms. Muhlenkamp was being careful not to 14:21:04  
14 overstep? 14:21:07  
15 A. Right. Our role in marketing 14:21:08  
16 was not to be a compliance team. That was 14:21:10  
17 not what we did. So we were very sensitive 14:21:13  
18 to that Karen had her job, she dealt with the 14:21:17  
19 DEA, she had to deal with the customers on 14:21:21  
20 these issues. So that's why I was a little 14:21:23  
21 uncomfortable about us sending out 14:21:25  
22 communication that Karen was not aware of, 14:21:26  
23 because she needed to be aware of everything 14:21:28  
24 that was being said. 14:21:29  
25 So that's -- that's where it 14:21:30

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1 is. We don't want -- we want to be careful 14:21:32  
2 not to overstep our boundary as marketing 14:21:34  
3 people. That's not what we do. 14:21:37  
4 She drives compliance and tells 14:21:39  
5 us what we need to do, and we follow her 14:21:40  
6 direction. We don't provide the direction. 14:21:44  
7 Q. Okay. You can set that aside. 14:21:46  
8 (Mallinckrodt-Collier Exhibit 14:22:12  
9 18 marked for identification.) 14:22:12  
10 QUESTIONS BY MR. GOTTO: 14:22:12  
11 Q. Exhibit 18 is a single-page 14:22:19  
12 document, MNK-T1\_0000496062, suspicious order 14:22:21  
13 monitoring team charter, updated April 7th of 14:22:28  
14 2011. 14:22:33  
15 Take a look at that, if you 14:22:33  
16 would, and let me know if you recognize that 14:22:35  
17 document. 14:22:36  
18 A. I'm not familiar with it, but I 14:22:36  
19 recognize it. 14:22:56  
20 Q. Okay. You're shown as a member 14:22:57  
21 of the SOM steering committee, correct? 14:23:03  
22 A. Correct. 14:23:04  
23 Q. And were you a member of that 14:23:05  
24 committee throughout your tenure at 14:23:07  
25 Mallinckrodt? 14:23:09

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1 A. Yes. 14:23:09  
2 Q. Okay. And this indicates that 14:23:11  
3 committee met once per quarter. Is that 14:23:13  
4 consistent with your recollection? 14:23:17  
5 A. I don't remember the frequency 14:23:18  
6 of the meetings. 14:23:19  
7 Q. Okay. Do you remember the 14:23:21  
8 topics that would be discussed at those 14:23:22  
9 meetings? 14:23:26  
10 A. I do remember one meeting, a 14:23:27  
11 meeting with the committee, in discussing 14:23:30  
12 chargeback reports and what's contained in 14:23:34  
13 them and how they might possibly be used to 14:23:37  
14 monitor what we found. You know, you could 14:23:39  
15 find multiple distributors in the chargeback 14:23:41  
16 report, and if you know what you're looking 14:23:44  
17 for, you can possibly do that. 14:23:47  
18 Q. Okay. Do you recall 14:23:49  
19 approximately when that meeting occurred? 14:23:50  
20 A. No, I don't. It would be after 14:23:52  
21 we ran the report, obviously. 14:23:54  
22 Q. Okay. Do you recall 14:23:56  
23 approximately how long a steering committee 14:24:01  
24 meeting would typically last? 14:24:03  
25 A. No. 14:24:04

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1 Q. Were there materials provided 14:24:05  
2 before the meeting for use at the meeting? 14:24:07  
3 A. Not that I can recall. 14:24:10  
4 Q. Do you recall if minutes were 14:24:12  
5 maintained of the meetings of the committee? 14:24:16  
6 A. I don't remember. 14:24:17  
7 Q. Apart from the discussion about 14:24:19  
8 chargeback data, any other particular 14:24:25  
9 recollection of anything discussed at any of 14:24:27  
10 the steering committee meetings? 14:24:31  
11 A. I remember one meeting that was 14:24:32  
12 vivid to me is that Karen Harper showed a 14:24:37  
13 video of what they called the OxyContin 14:24:40  
14 Express, and it was about a bunch of patients 14:24:45  
15 outside a pharmacy or pain clinic, I can't 14:24:47  
16 remember which it was, in Florida just 14:24:52  
17 waiting to get drugs. And they were showing 14:24:53  
18 they were from all around the country. So I 14:24:55  
19 just remember that. 14:24:57  
20 Q. Okay. And do you recall 14:24:58  
21 approximately when that occurred? 14:24:59  
22 A. It was sometime in 2011, 2010, 14:25:01  
23 2011 time frame. 14:25:07  
24 Q. Okay. And was there a 14:25:08  
25 discussion you can recall occurring around 14:25:10



<p style="text-align: right;">Page 218</p> <p>1 that presentation? 14:25:12</p> <p>2 A. Yes, that there was a serious 14:25:14</p> <p>3 problem in Florida around pain clinics and 14:25:19</p> <p>4 the abuse, and that they were getting 14:25:22</p> <p>5 dispensed product and taking it up I-95 and 14:25:25</p> <p>6 reselling it. 14:25:30</p> <p>7 Q. Do you recall any subsequent 14:25:31</p> <p>8 meetings where there was any update or 14:25:40</p> <p>9 follow-up on that presentation to monitor how 14:25:45</p> <p>10 the situation was developing over time? 14:25:47</p> <p>11 MR. O'CONNOR: Object to form. 14:25:51</p> <p>12 THE WITNESS: I can't remember 14:25:52</p> <p>13 specifically what was discussed in 14:25:55</p> <p>14 future -- in the future or at any of 14:25:57</p> <p>15 the meetings. To be honest, it's 14:26:00</p> <p>16 like -- it would be just another 14:26:02</p> <p>17 meeting to me to go to. 14:26:03</p> <p>18 QUESTIONS BY MR. GOTTO: 14:26:05</p> <p>19 Q. Okay. Do you recall any 14:26:07</p> <p>20 discussions of any proposed enhancements to 14:26:16</p> <p>21 the suspicious order monitoring program that 14:26:20</p> <p>22 Mallinckrodt had in place? 14:26:22</p> <p>23 A. The only thing I remember is 14:26:24</p> <p>24 that they were going to use different 14:26:26</p> <p>25 algorithms than what had been used in the 14:26:29</p>	<p style="text-align: right;">Page 220</p> <p>1 of this page there are some subcommittees 14:27:20</p> <p>2 listed. 14:27:23</p> <p>3 Were you a member of the 14:27:24</p> <p>4 director order monitoring subcommittee? 14:27:25</p> <p>5 A. I have no idea, because I don't 14:27:29</p> <p>6 even know what that is. 14:27:35</p> <p>7 Q. Yeah. 14:27:36</p> <p>8 How about the -- 14:27:37</p> <p>9 A. Oh, that's probably direct 14:27:37</p> <p>10 order monitoring. 14:27:40</p> <p>11 Q. I suspect so. 14:27:41</p> <p>12 A. Yeah. 14:27:42</p> <p>13 And indirect customer review. 14:27:44</p> <p>14 They might have included me in discussions or 14:27:45</p> <p>15 might have included me to ask me for data out 14:27:48</p> <p>16 of my team -- 14:27:50</p> <p>17 Q. Uh-huh. 14:27:50</p> <p>18 A. -- but I wasn't directing any 14:27:51</p> <p>19 meetings or anything like this. 14:27:52</p> <p>20 Q. Do you recall participating in 14:27:54</p> <p>21 any meetings of any of these subcommittees? 14:27:56</p> <p>22 A. I'm sure I did, but I don't 14:28:00</p> <p>23 remember the content. 14:28:02</p> <p>24 Q. Okay. And do you remember 14:28:02</p> <p>25 which of the subcommittees it would have been 14:28:05</p>
<p style="text-align: right;">Page 219</p> <p>1 past. 14:26:34</p> <p>2 Q. Okay. Do you remember anything 14:26:34</p> <p>3 about the algorithms that had been used 14:26:35</p> <p>4 previously? 14:26:36</p> <p>5 A. No, I didn't have anything to 14:26:36</p> <p>6 do with developing that. 14:26:38</p> <p>7 Q. Okay. Anything -- any 14:26:39</p> <p>8 description of the reasons for changing from 14:26:40</p> <p>9 the prior algorithms to the subsequent 14:26:44</p> <p>10 algorithms? 14:26:46</p> <p>11 MR. O'CONNOR: Object to form. 14:26:46</p> <p>12 THE WITNESS: I just know it 14:26:47</p> <p>13 was to enhance the information they 14:26:49</p> <p>14 were receiving. 14:26:53</p> <p>15 QUESTIONS BY MR. GOTTO: 14:26:53</p> <p>16 Q. And do you know who had 14:26:56</p> <p>17 ultimate responsibility for implementing the 14:27:00</p> <p>18 suspicious order monitoring program? 14:27:05</p> <p>19 MR. O'CONNOR: Object to form. 14:27:07</p> <p>20 THE WITNESS: Karen Harper was 14:27:08</p> <p>21 my contact in compliance, so she's the 14:27:12</p> <p>22 one that I knew, and I knew Don 14:27:14</p> <p>23 Lohman. 14:27:17</p> <p>24 QUESTIONS BY MR. GOTTO: 14:27:17</p> <p>25 Q. Okay. Down toward the bottom 14:27:19</p>	<p style="text-align: right;">Page 221</p> <p>1 that you would have participated in? 14:28:07</p> <p>2 A. It would have been anything 14:28:08</p> <p>3 involving the customer, like direct or the 14:28:12</p> <p>4 monitoring, indirect customer review and the 14:28:14</p> <p>5 customer checklist. 14:28:16</p> <p>6 Q. Okay. You can set that aside. 14:28:17</p> <p>7 A. Okay. 14:28:18</p> <p>8 (Mallinckrodt-Collier Exhibit 14:28:20</p> <p>9 19 marked for identification.) 14:28:21</p> <p>10 QUESTIONS BY MR. GOTTO: 14:28:21</p> <p>11 Q. We've marked as Exhibit 19 a 14:28:45</p> <p>12 single-page e-mail thread, Bates 14:28:47</p> <p>13 MNK-T1_0000262709. It appears to be an 14:28:51</p> <p>14 e-mail exchange between you and Karen Harper. 14:28:58</p> <p>15 Take a look at it, if you 14:29:01</p> <p>16 would, please, and let me know if you 14:29:02</p> <p>17 recognize it. 14:29:04</p> <p>18 A. Okay. 14:29:05</p> <p>19 Q. Do you recognize these e-mails? 14:29:31</p> <p>20 A. Yes. 14:29:32</p> <p>21 Q. Okay. So the initial e-mail 14:29:34</p> <p>22 from Ms. Harper on August 7th, subject, 14:29:38</p> <p>23 Friday suspicious order monitoring meeting, 14:29:42</p> <p>24 says to you that she "shared your frustration 14:29:46</p> <p>25 during Friday's meeting. We realize the 14:29:49</p>

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1 group could have been much more focused by 14:29:52  
 2 making sure only the right people were 14:29:54  
 3 brought to the table and having a published 14:29:57  
 4 agenda that we adhered to." 14:29:58  
 5 Do you remember the meeting 14:29:59  
 6 that Ms. Harper is referring to here? 14:30:00  
 7 A. I don't recall this specific 14:30:02  
 8 meeting. I recall the tenor of the issue 14:30:03  
 9 here. 14:30:08  
 10 Q. Okay. What do you recall of 14:30:08  
 11 the issue? 14:30:10  
 12 A. We had another group that was 14:30:11  
 13 involved that was developing a CARES 14:30:15  
 14 Alliance, a Covidien acting responsibly or 14:30:18  
 15 something like that, along the lines of pain 14:30:21  
 16 management enacting responsibility, and I 14:30:24  
 17 remember they kept jumping in with things 14:30:28  
 18 thinking it was about CARES Alliance. 14:30:32  
 19 What we wanted to do was 14:30:33  
 20 evaluate what we were supposed to be doing to 14:30:35  
 21 be in compliance with the DEA and what 14:30:37  
 22 reports could we bring to the table so that 14:30:38  
 23 they knew -- so that Karen Harper's team 14:30:41  
 24 could know what information we had access to. 14:30:43  
 25 Q. Okay. So this is in August 14:30:47

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1 of 2010, which I think the analysis of the 14:30:53  
 2 Florida doctor and pain clinic orders was 14:30:58  
 3 shortly before this, correct? 14:31:01  
 4 A. Uh-huh. 14:31:02  
 5 MR. O'CONNOR: Objection. 14:31:02  
 6 Form. 14:31:03  
 7 THE WITNESS: Yes. 14:31:03  
 8 QUESTIONS BY MR. GOTTO: 14:31:04  
 9 Q. And so at this meeting, is it 14:31:05  
 10 your general recollection that there was -- 14:31:10  
 11 that it was -- from your standpoint, the 14:31:12  
 12 intention was to discuss potential 14:31:15  
 13 information that could be brought to bear on 14:31:18  
 14 the suspicious order monitoring process? 14:31:21  
 15 A. Yes. 14:31:23  
 16 Q. Okay. And sounds like the 14:31:25  
 17 discussion got somehow side-railed by folks 14:31:28  
 18 who were there wanting to talk about the 14:31:31  
 19 CARES initiative, correct? 14:31:35  
 20 A. Correct. 14:31:36  
 21 Q. And explain to me again what 14:31:37  
 22 the CARES initiative was? 14:31:38  
 23 A. It was -- they were trying to 14:31:40  
 24 develop an initiative -- and this goes back 14:31:42  
 25 to the lobbying. Now I remember -- now that 14:31:43

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1 I saw the CARES Alliance, it all comes back 14:31:46  
 2 to me. 14:31:49  
 3 The CARES Alliance was an 14:31:49  
 4 initiative to be a responsible opioid 14:31:53  
 5 supplier in a marketplace. So we would talk 14:31:56  
 6 about things like proper disposal. We 14:31:58  
 7 supported opioid groups, you know, that were 14:32:01  
 8 helping either with abuse deterrence or 14:32:07  
 9 things likes that. So that's what the CARES 14:32:11  
 10 Alliance was. 14:32:15  
 11 And that is not what we were 14:32:15  
 12 trying to accomplish. We were trying to 14:32:16  
 13 understand what the DEA suspicious order 14:32:17  
 14 monitoring requirements were and if there 14:32:19  
 15 were materials that some of the team members, 14:32:21  
 16 not only in my group, from other groups like 14:32:23  
 17 Jeremy's, that they could provide. 14:32:25  
 18 Q. Okay. Do you recall in any of 14:32:28  
 19 the suspicious order monitoring steering 14:32:37  
 20 committee meetings that you attended any 14:32:38  
 21 discussion of the extent to which 14:32:44  
 22 Mallinckrodt should be monitoring -- or 14:32:48  
 23 should be familiar with not only its 14:32:55  
 24 customer, but it's customers' customers? 14:32:57  
 25 MR. O'CONNOR: Object to form. 14:33:00

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1 THE WITNESS: I've heard that 14:33:00  
 2 phrase before. 14:33:02  
 3 QUESTIONS BY MR. GOTTO: 14:33:03  
 4 Q. Did you hear it in the context 14:33:04  
 5 of any of the SOM steering committee 14:33:05  
 6 meetings? 14:33:08  
 7 A. I'm not sure what context I 14:33:09  
 8 heard it in. I just remember hearing that 14:33:12  
 9 the DEA had the belief or the thought process 14:33:15  
 10 that we should know our customer's customer. 14:33:19  
 11 Q. Okay. Do you recall in the, 14:33:21  
 12 again, the SOM steering committee context, 14:33:23  
 13 any discussion of ways to obtain information 14:33:27  
 14 regarding Mallinckrodt's customers' 14:33:31  
 15 customers? 14:33:34  
 16 A. That was discussed, yes. 14:33:34  
 17 Q. Okay. And what sort of 14:33:35  
 18 information was discussed? 14:33:36  
 19 A. Chargeback data. How could we 14:33:37  
 20 get chargeback data and find out what 14:33:39  
 21 customers are purchasing downstream from 14:33:41  
 22 different wholesalers and distributors. 14:33:44  
 23 Q. Okay. Anything apart from the 14:33:46  
 24 chargeback data? 14:33:48  
 25 MR. O'CONNOR: Object to form. 14:33:50

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1	THE WITNESS: Not that I	14:33:50	1	the data sets that we get, and so she was	14:35:50
2	recall. Not from my group. There	14:33:52	2	looking specifically for something. Jeremy	14:35:52
3	were other groups that possibly had	14:33:54	3	could do that much easier than our group.	14:35:54
4	information, but not from my group.	14:33:55	4	Q. Okay. Okay. You can set that	14:35:57
5	QUESTIONS BY MR. GOTTO:	14:33:57	5	aside.	14:36:01
6	Q. Okay. All right. Back on	14:33:57	6	(Mallinckrodt-Collier Exhibit	14:36:03
7	Exhibit 19, your response to Ms. Harper, in	14:34:00	7	20 marked for identification.)	14:36:03
8	your first paragraph you say, "I truly hoped	14:34:05	8	QUESTIONS BY MR. GOTTO:	14:36:03
9	Carol could have brought more positive	14:34:07	9	Q. We have marked as Exhibit 20 a	14:36:27
10	feedback and seen the big picture."	14:34:09	10	multipage document beginning at Bates	14:36:30
11	Do you know who Carol is that	14:34:12	11	MNK-T1_0000496098. It appears to be a 2011	14:36:32
12	you're referring to in that sentence?	14:34:13	12	presentation concerning the suspicious order	14:36:40
13	A. No, I don't.	14:34:14	13	monitoring program.	14:36:43
14	Q. Okay. The next sentence you	14:34:15	14	If you could take a look at	14:36:44
15	say, "I also think Sherice is making this too	14:34:17	15	that and tell me if you're familiar with that	14:36:45
16	encompassing."	14:34:21	16	document.	14:36:48
17	Do you know who Sherice is?	14:34:22	17	Do you recognize that document?	14:40:26
18	A. Sherice was someone in Art	14:34:23	18	A. Yes, I do.	14:40:27
19	Morelli's group that was part of the	14:34:26	19	Q. And is it a presentation that	14:40:28
20	initiative for the CARES Alliance.	14:34:27	20	was made to the marketing group in 2011?	14:40:30
21	Q. Okay. And you went on to say,	14:34:29	21	A. Yes.	14:40:32
22	"If we go with her scope, we will monitor	14:34:30	22	Q. Do you recall the presentation?	14:40:32
23	hundreds of thousands of transactions and get	14:34:33	23	A. This is the one where I	14:40:33
24	nowhere."	14:34:35	24	recalled having the OxyContin Express video.	14:40:37
25	Do you recall what her scope	14:34:36	25	Q. Okay. Great.	14:40:40
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1	was that you're referring to there?	14:34:39	1	So on the -- on slide 5,	14:40:41
2	A. I don't remember that, but she	14:34:40	2	there's a reference here to the suspicious	14:40:48
3	was thinking really high level, I think	14:34:43	3	order monitoring subcommittee -- I'm sorry,	14:40:53
4	across the entire industry, and she just was	14:34:46	4	suspicious order monitoring steering	14:40:55
5	not focused in the meeting on what we were	14:34:52	5	committee that convenes once per month.	14:40:56
6	trying to accomplish.	14:34:54	6	I think in the prior document	14:41:00
7	Q. She was thinking across the	14:34:54	7	we just looked at indicated it was a	14:41:01
8	industry in terms of order monitoring?	14:35:00	8	quarterly meeting.	14:41:03
9	A. Yes.	14:35:01	9	Do you recall that committee	14:41:04
10	Q. Okay.	14:35:01	10	meeting monthly?	14:41:07
11	A. And involving other suppliers.	14:35:05	11	MR. O'CONNOR: Object to form.	14:41:07
12	Q. Okay. The next paragraph you	14:35:08	12	THE WITNESS: The steering	14:41:08
13	say, "Jeremy is your best bet."	14:35:11	13	committee, it said it meets once a	14:41:08
14	Who is Jeremy that you're	14:35:14	14	month. Quarterly was the other	14:41:11
15	referring to there?	14:35:16	15	members. There was a core group and	14:41:13
16	A. Jeremy worked in an analytical	14:35:16	16	then peripheral members.	14:41:15
17	team that mostly focused on brand products,	14:35:22	17	QUESTIONS BY MR. GOTTO:	14:41:16
18	but he was very good at getting huge sets of	14:35:25	18	Q. I see. Okay.	14:41:18
19	data and distilling it down into very strong	14:35:28	19	You were not a member of the	14:41:18
20	content and material. So just taking a bunch	14:35:35	20	steering committee; is that correct?	14:41:19
21	of data, eliminating the noise and making it	14:35:37	21	A. I was a peripheral member.	14:41:20
22	see what we need to see to it.	14:35:41	22	Q. Okay. And on page -- I'm	14:41:21
23	Because as I keep saying, it's	14:35:42	23	sorry, slide number -- slide number 13,	14:41:29
24	really difficult that Kate looked for	14:35:44	24	there's a description of the pre-June of 2010	14:41:35
25	something very minor or very minute in all of	14:35:47	25	SOM program.	14:41:40

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1 Do you see that? 14:41:41

2 A. Yes. 14:41:41

3 Q. And do you recall becoming 14:41:42

4 familiar at this time with what the SOM 14:41:44

5 program consisted of prior to June of 2010? 14:41:48

6 A. Yes. 14:41:51

7 Q. Okay. And you see in the one, 14:41:52

8 two, three, four, five, sixth bullet 14:42:01

9 there's -- I'm sorry, the fifth bullet, 14:42:06

10 "Customer accounts or orders that appear, 14:42:08

11 quote, peculiar, close quote, based on 14:42:09

12 customer checklist results, credit check, CSR 14:42:13

13 interaction or order entry system flags are 14:42:15

14 reviewed by customer service -- customer 14:42:18

15 service manager." 14:42:19

16 Do you see that? 14:42:20

17 A. Yes. 14:42:21

18 Q. Okay. And do you recall 14:42:22

19 learning at this time that that was part of 14:42:24

20 the SOM program? 14:42:26

21 A. Yes. 14:42:27

22 Q. Okay. Two pages after that, on 14:42:28

23 slide 15 there's a slide concerning the DEA 14:42:36

24 St. Louis conversation, July 20th of 2010. 14:42:42

25 Do you recall learning of this 14:42:50

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1 St. Louis conversation at this presentation? 14:42:53

2 A. Yes. 14:42:54

3 Q. And the third entry on that 14:42:55

4 slide, "Mallinckrodt is viewed as the kingpin 14:42:57

5 within the drug cartel." 14:43:00

6 Do you recall hearing that at 14:43:02

7 the time of this presentation? 14:43:04

8 MR. O'CONNOR: Object to form. 14:43:04

9 THE WITNESS: Yes. 14:43:05

10 QUESTIONS BY MR. GOTTO: 14:43:05

11 Q. Did that surprise you? 14:43:07

12 A. Yes, it did. 14:43:08

13 Q. If you look on slide 17, is 14:43:10

14 that a still from the video that you were 14:43:19

15 recalling seeing, the one outside the pain 14:43:21

16 clinic? 14:43:25

17 A. Yes. 14:43:25

18 Q. Okay. And if you turn to 14:43:25

19 slide 20, SOM distributor audit next steps, 14:43:35

20 the first entry is "ongoing review of 14:43:45

21 chargeback data to select other distributors 14:43:48

22 to be audited." 14:43:50

23 Do you see that? 14:43:51

24 A. Yes. 14:43:51

25 Q. So this is March of 2011. 14:43:52

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1 You testified a little earlier 14:43:59

2 recalling a meeting where there was 14:44:00

3 discussion about use of chargeback data as 14:44:02

4 part of the SOM program. 14:44:04

5 Do you know if that was -- if 14:44:06

6 that discussion was in the context of 14:44:09

7 selection of distributors to be audited, or 14:44:13

8 was it for some other part of the SOM 14:44:15

9 program? 14:44:19

10 MR. O'CONNOR: Object to form. 14:44:19

11 THE WITNESS: I'm not clear on 14:44:20

12 when that was discussed. Obviously, 14:44:22

13 it was used with -- the information we 14:44:24

14 had was used, but I don't remember 14:44:27

15 exactly what -- if this was what they 14:44:29

16 were intending to use. 14:44:32

17 MR. GOTTO: Okay. Okay. You 14:44:33

18 can set that aside. Why don't we take 14:44:40

19 a short break. 14:44:43

20 VIDEOGRAPHER: We were going 14:44:44

21 off the record at 2:44 p.m. 14:44:45

22 (Off the record at 2:44 p.m.) 14:44:47

23 VIDEOGRAPHER: We were back on 14:57:20

24 the record at 2:57 p.m. 14:57:21

25 (Mallinckrodt-Collier Exhibit 14:57:27

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1 21 marked for identification.) 14:57:28

2 QUESTIONS BY MR. GOTTO: 14:57:28

3 Q. We've marked as Exhibit 21 a 14:57:52

4 letter dated November 10, 2010, beginning at 14:57:56

5 Bates MNK-T1\_0000484110, and it appears to be 14:57:58

6 a letter from Karen Harper to KeySource 14:58:07

7 Medical on which you were bcc'ed. 14:58:12

8 If you'd take a look at that 14:58:15

9 and tell me if you recognize that document. 14:58:17

10 A. Okay. 14:58:19

11 Q. Do you recall -- are you 14:59:37

12 familiar with this letter? 14:59:39

13 A. Yes, I am. 14:59:40

14 Q. Okay. And do you recall 14:59:41

15 receiving a copy of it back in November 14:59:42

16 of 2010? 14:59:45

17 A. Yes. 14:59:45

18 Q. Now, in this letter, Ms. Harper 14:59:45

19 transmits various information regarding 14:59:52

20 KeySource orders into the state of Florida. 14:59:56

21 Was the source of the 15:00:01

22 information for Ms. Harper's letter, at least 15:00:04

23 in part, the multi-distributor analysis we 15:00:06

24 looked at earlier today? 15:00:09

25 MR. O'CONNOR: Object to form. 15:00:10



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1 THE WITNESS: Yes. Yes. 15:00:11  
 2 QUESTIONS BY MR. GOTTO: 15:00:14  
 3 Q. And in this letter, Ms. Harper 15:00:14  
 4 requested various information from KeySource. 15:00:18  
 5 Do you have any knowledge as to 15:00:20  
 6 what KeySource's response to this letter was? 15:00:23  
 7 A. No, I do not. 15:00:26  
 8 Q. Okay. Did you or anyone on 15:00:28  
 9 your team, to your knowledge, conduct any 15:00:30  
 10 subsequent analysis or inquiry with respect 15:00:32  
 11 to ongoing orders from KeySource? 15:00:36  
 12 A. I don't recall. 15:00:38  
 13 Q. Do you know if the information 15:00:40  
 14 contained in this letter was ever provided to 15:00:42  
 15 the DEA? 15:00:45  
 16 A. I don't know. That would be 15:00:47  
 17 Karen Harper's responsibility. 15:00:49  
 18 Q. Okay. All right. You can set 15:00:50  
 19 that aside. 15:00:51  
 20 (Mallinckrodt-Collier Exhibit 15:00:53  
 21 22 marked for identification.) 15:00:53  
 22 QUESTIONS BY MR. GOTTO: 15:00:53  
 23 Q. We've marked as Exhibit 22 a 15:01:29  
 24 series of letters, Bates MNK-T1\_0000484145 15:01:32  
 25 through 156, from November 12th of 2010. 15:01:43

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1 You're indicated as a bcc on the first 15:01:49  
 2 letter, and I don't know if you were bcc'ed 15:01:51  
 3 on the balance of the letters in that 15:01:56  
 4 package. 15:01:59  
 5 But if you could take a look at 15:02:00  
 6 those letters and tell me if you recognize 15:02:02  
 7 them. 15:02:04  
 8 A. Yes. 15:02:05  
 9 Q. Do you recall receiving copies 15:02:44  
 10 of these letters back in November of 2010? 15:02:45  
 11 A. Yes, I do. 15:02:47  
 12 Q. Okay. And again, each of these 15:02:47  
 13 letters contains information regarding 15:02:50  
 14 Florida purchasers who were purchasing from 15:02:56  
 15 multiple distributors. 15:02:58  
 16 Do you understand that 15:02:59  
 17 information to be based on the 15:03:01  
 18 multi-distributor information we looked at a 15:03:04  
 19 little earlier today? 15:03:05  
 20 A. Yes. 15:03:06  
 21 Q. And that analysis of multiple 15:03:07  
 22 distributors that you and Ms. Muhlenkamp did, 15:03:10  
 23 what triggered performing that analysis? 15:03:12  
 24 A. I'm not sure if in the pulling 15:03:15  
 25 of the data for the state of Florida that she 15:03:20

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1 might have identified that there were a few 15:03:23  
 2 repeat pharmacies in there, and so we said, 15:03:28  
 3 well, wait a minute, there's repeat 15:03:31  
 4 pharmacies from different distributors. 15:03:33  
 5 Let's pull and see if we can bring this into 15:03:35  
 6 a better picture -- 15:03:38  
 7 Q. I see. 15:03:40  
 8 A. -- of what's going on. 15:03:41  
 9 Q. Okay. So it may have grown out 15:03:42  
 10 of the original inquiry in terms of MD and 15:03:43  
 11 pain clinic purchasers in Florida? 15:03:47  
 12 A. Yes. 15:03:50  
 13 Q. Okay. And do you know if the 15:03:50  
 14 information contained in the letters included 15:03:52  
 15 in Exhibit 22 was ever provided to the DEA? 15:03:54  
 16 A. I didn't report to the DEA. I 15:03:57  
 17 have no idea. 15:03:59  
 18 Q. Okay. You can set that aside. 15:04:01  
 19 A. Okay. 15:04:03  
 20 (Mallinckrodt-Collier Exhibit 15:04:04  
 21 23 marked for identification.) 15:04:04  
 22 QUESTIONS BY MR. GOTTO: 15:04:04  
 23 Q. We've marked as Exhibit 23 a 15:04:48  
 24 single-page e-mail thread, Bates 15:04:50  
 25 MNK-T1\_0000558202. Take a moment and look at 15:04:53

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1 those e-mails, if you would, and tell me if 15:04:59  
 2 you recognize them. 15:05:02  
 3 A. Yes. 15:05:27  
 4 Q. And the earlier e-mail in the 15:05:28  
 5 thread is from a Debbie Digby. 15:05:31  
 6 Who is that? 15:05:34  
 7 A. She was a senior financial 15:05:35  
 8 analyst. I'm not sure who she reported to or 15:05:38  
 9 what her role was. I did not interact with 15:05:40  
 10 her very often. 15:05:43  
 11 Q. Okay. And her e-mail went to 15:05:43  
 12 Ms. Harper, to Susan Moore. 15:05:45  
 13 Who was Susan Moore? 15:05:47  
 14 A. I do not remember. 15:05:49  
 15 Q. How about Pat Duft? 15:05:53  
 16 A. Pat was in logistics. 15:05:56  
 17 Q. Okay. And how about Carol 15:05:57  
 18 Svejkosky? 15:06:00  
 19 A. She was in customer service. 15:06:01  
 20 Q. Okay. And Ms. Digby indicates, 15:06:03  
 21 here are -- "attached are the March monthly 15:06:06  
 22 SOM reports." And there are three reports: 15:06:09  
 23 a customer sourcing greater than two 15:06:11  
 24 distributors, a state concentration report, 15:06:15  
 25 and a summary report by distributor compared 15:06:17

<p style="text-align: right;">Page 238</p> <p>1 to all products distributing. 15:06:20</p> <p>2 Do you recall that you would 15:06:22</p> <p>3 receive this package of reports monthly? 15:06:25</p> <p>4 A. I don't recall receiving it 15:06:29</p> <p>5 monthly, but apparently it was. 15:06:32</p> <p>6 Q. Okay. Do you know what the 15:06:34</p> <p>7 state concentration report, what information 15:06:37</p> <p>8 was contained on that? 15:06:39</p> <p>9 A. I do remember that was a report 15:06:40</p> <p>10 that showed sales by state. I can't recall 15:06:42</p> <p>11 if -- there were two different reports, and I 15:06:47</p> <p>12 can't recall if this would have been 15:06:50</p> <p>13 Mallinckrodt sales by state. 15:06:51</p> <p>14 Q. Okay. And the report by 15:06:54</p> <p>15 distributor compared to all products 15:06:57</p> <p>16 distributed, do you recall what information 15:07:00</p> <p>17 was contained in that report? 15:07:02</p> <p>18 A. I remember specifically that we 15:07:04</p> <p>19 were looking at seeing if they were only 15:07:08</p> <p>20 purchasing oxycodone or were they purchasing 15:07:10</p> <p>21 all products. And if they were purchasing 15:07:12</p> <p>22 just oxycodone, that was something we 15:07:17</p> <p>23 evaluated and sent on to suspicious order 15:07:20</p> <p>24 monitoring. 15:07:24</p> <p>25 Q. Okay. And so in terms of your 15:07:24</p>	<p style="text-align: right;">Page 240</p> <p>1 me if you recall them. 15:08:55</p> <p>2 A. Okay. 15:08:57</p> <p>3 Q. Do you recall these e-mails 15:09:29</p> <p>4 from 2013? 15:09:30</p> <p>5 A. I don't recall them, but I 15:09:31</p> <p>6 recognize them. 15:09:33</p> <p>7 Q. Okay. On the bottom of the 15:09:34</p> <p>8 first page, Mr. Longenecker's e-mail says, "I 15:09:37</p> <p>9 just met with Karen and Jennifer. Prior to 15:09:42</p> <p>10 removing the current allocation model, 15:09:45</p> <p>11 they're going to take some time to review the 15:09:47</p> <p>12 algorithms for the SOM." 15:09:49</p> <p>13 Do you recall what the -- what 15:09:51</p> <p>14 the interplay was between the SOM algorithms 15:09:55</p> <p>15 and the allocation model? 15:09:58</p> <p>16 MR. O'CONNOR: Object to form. 15:10:00</p> <p>17 THE WITNESS: In the allocation 15:10:01</p> <p>18 model, we would look at who had 15:10:03</p> <p>19 failure to supply and how much 15:10:06</p> <p>20 inventory we had available and when 15:10:08</p> <p>21 the next production schedule would 15:10:09</p> <p>22 happen and how much we could release 15:10:10</p> <p>23 to specific customers. 15:10:12</p> <p>24 The algorithms that they were 15:10:13</p> <p>25 doing for SOM was entirely different, 15:10:16</p>
<p style="text-align: right;">Page 239</p> <p>1 personal involvement with the SOM process, 15:07:27</p> <p>2 did you review these reports when you 15:07:30</p> <p>3 received them? 15:07:33</p> <p>4 A. I looked at them, but I didn't 15:07:34</p> <p>5 make any direction on the SOM, so I probably 15:07:36</p> <p>6 didn't really dig into them too much. 15:07:40</p> <p>7 Q. Okay. Do you recall ever 15:07:43</p> <p>8 taking any action based on any information 15:07:45</p> <p>9 that was contained in any of those reports? 15:07:48</p> <p>10 A. No, that was outside the scope 15:07:51</p> <p>11 of my responsibility. 15:07:52</p> <p>12 Q. Okay. Do you ever recall 15:07:53</p> <p>13 calling to anyone else's attention at 15:07:56</p> <p>14 Mallinckrodt any information that was 15:07:59</p> <p>15 contained in any of those reports? 15:08:00</p> <p>16 A. I may have, but I don't recall 15:08:02</p> <p>17 it. 15:08:05</p> <p>18 Q. Okay. Okay. You can set that 15:08:05</p> <p>19 aside. 15:08:07</p> <p>20 (Mallinckrodt-Collier Exhibit 15:08:08</p> <p>21 24 marked for identification.) 15:08:09</p> <p>22 QUESTIONS BY MR. GOTTO: 15:08:09</p> <p>23 Q. Exhibit 24 is a two-page e-mail 15:08:41</p> <p>24 thread starting at MNK-T1_0005905204. Take a 15:08:44</p> <p>25 look at those e-mails, if you would, and tell 15:08:53</p>	<p style="text-align: right;">Page 241</p> <p>1 and they would stop orders or release 15:10:18</p> <p>2 orders through that process. That was 15:10:21</p> <p>3 separate from what we were doing. 15:10:25</p> <p>4 QUESTIONS BY MR. GOTTO: 15:10:26</p> <p>5 Q. Okay. And so Mr. Longenecker 15:10:26</p> <p>6 goes on to say, "This should take about two 15:10:27</p> <p>7 weeks. They would like us to delay sending a 15:10:29</p> <p>8 letter until they have completed this." 15:10:32</p> <p>9 Do you know why the letter on 15:10:34</p> <p>10 the allocation model or the allocation -- 15:10:37</p> <p>11 yeah, the allocation model would be delayed 15:10:40</p> <p>12 waiting for the SOM algorithms? 15:10:42</p> <p>13 MR. O'CONNOR: Objection to 15:10:45</p> <p>14 form. 15:10:46</p> <p>15 THE WITNESS: It's likely -- 15:10:46</p> <p>16 it's likely that they would have 15:10:48</p> <p>17 said -- that we would have gotten 15:10:51</p> <p>18 information from Karen or Jen Buist in 15:10:52</p> <p>19 compliance that they didn't want 15:10:56</p> <p>20 certain customers to get product at 15:10:57</p> <p>21 all. 15:10:59</p> <p>22 QUESTIONS BY MR. GOTTO: 15:10:59</p> <p>23 Q. Okay. Okay. You can set that 15:10:59</p> <p>24 aside. 15:11:06</p> <p>25 (Mallinckrodt-Collier Exhibit 15:11:07</p>

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1 25 marked for identification.) 15:11:07

2 QUESTIONS BY MR. GOTTO: 15:11:07

3 Q. Exhibit 25 is a multipage 15:11:32

4 e-mail thread beginning at MNK-T1\_0004951225. 15:11:34

5 Take a look at those and tell me if you 15:11:43

6 recognize these e-mails. 15:11:48

7 The only one I have a question 15:11:49

8 for you on is the very last one, the e-mail 15:11:50

9 from you to Jane Williams on October 23rd. 15:11:53

10 A. Okay. 15:11:57

11 MR. O'CONNOR: Counsel, while 15:12:40

12 reading this document, it looks like 15:12:41

13 the top two e-mails might be subject 15:12:42

14 to a clawback. 15:12:45

15 Are you planning to ask about 15:12:46

16 either of those top two e-mails? 15:12:48

17 MR. GOTTO: Do you mean the 15:12:48

18 October 23rd? 15:12:49

19 MR. O'CONNOR: Yes. From 15:12:50

20 Ginger to Jane at 1:50. 15:12:52

21 MR. GOTTO: I was going to ask 15:12:56

22 about that one. 15:12:57

23 MR. O'CONNOR: Okay. Yeah, we 15:12:57

24 would assert privilege over the 15:13:00

25 references to the discussion she had 15:13:03

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1 with Don, who I believe is Don Lohman, 15:13:05

2 who is counsel at Mallinckrodt. It 15:13:09

3 appears this was inadvertently 15:13:11

4 produced. 15:13:13

5 MR. GOTTO: Okay. Well, I'll 15:13:14

6 ask her one question and see if it -- 15:13:15

7 if it is okay with you or if you have 15:13:17

8 a problem with it. 15:13:21

9 MR. O'CONNOR: Okay. 15:13:24

10 MR. GOTTO: After she's -- 15:13:24

11 once -- 15:13:26

12 QUESTIONS BY MR. GOTTO: 15:13:26

13 Q. Have you been through the 15:13:26

14 document? 15:13:27

15 A. I focused more up here. 15:13:28

16 Q. Okay. 15:13:30

17 A. So I'm familiar with what's -- 15:13:30

18 Q. Here's the one question. 15:13:32

19 MR. O'CONNOR: And be sure to 15:13:32

20 let me chime in before you answer. 15:13:33

21 QUESTIONS BY MR. GOTTO: 15:13:35

22 Q. Yeah. Here's the one question 15:13:35

23 I had on that October 23 e-mail. You make 15:13:38

24 reference to "the DEA views these programs as 15:13:41

25 driving the wrong type of behavior." 15:13:45

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1 And my question for you is: 15:13:47

2 What programs are you referring to, and what 15:13:50

3 type of behavior did you understand the DEA 15:13:52

4 viewing them as driving? 15:13:55

5 MR. O'CONNOR: Okay. And you 15:13:57

6 can answer the question. Just do not 15:13:59

7 discuss anything you said to or from 15:14:01

8 Don. 15:14:03

9 THE WITNESS: Then I cannot 15:14:03

10 discuss that. 15:14:07

11 QUESTIONS BY MR. GOTTO: 15:14:09

12 Q. Okay. All right. You can put 15:14:10

13 that aside. 15:14:12

14 (Mallinckrodt-Collier Exhibit 15:14:14

15 26 marked for identification.) 15:14:42

16 MR. O'CONNOR: Counsel, just 15:14:42

17 for the record, we'll be making a 15:14:43

18 clawback request and objecting on the 15:14:45

19 basis of attorney-client privilege on 15:14:47

20 the document. 15:14:48

21 MR. GOTTO: Okay. Very good. 15:14:48

22 QUESTIONS BY MR. GOTTO: 15:14:49

23 Q. Exhibit 26 is a multipage 15:14:52

24 document beginning with MNK-T1\_0000384634. 15:14:54

25 It's a printout of a spreadsheet. 15:15:03

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1 If you can take a look at that 15:15:04

2 document and tell me if you're familiar with 15:15:06

3 it. 15:15:08

4 A. Yes, I am. 15:15:08

5 Q. What is it? 15:15:18

6 A. This is a list of various trade 15:15:18

7 shows, conventions and conferences for the 15:15:20

8 generic team. 15:15:23

9 Q. Okay. And is this a list the 15:15:24

10 marketing department maintained from time to 15:15:27

11 time? 15:15:29

12 A. Marketing and sales, yes. 15:15:29

13 Q. Okay. And we talked a little 15:15:30

14 earlier today about conventions, and you 15:15:34

15 indicated that I think many of the 15:15:39

16 conventions are sort of industry-wide that 15:15:41

17 Mallinckrodt would attend or participate in 15:15:45

18 regularly. 15:15:48

19 Are those the types of 15:15:49

20 conventions that are listed on this exhibit? 15:15:51

21 MR. O'CONNOR: Object to form. 15:15:53

22 THE WITNESS: Yes. 15:15:53

23 QUESTIONS BY MR. GOTTO: 15:15:56

24 Q. If you turn to the page that -- 15:16:18

25 where the Bates number ends in 638 in the 15:16:21

<p style="text-align: right;">Page 246</p> <p>1 lower right-hand corner. 15:16:23</p> <p>2 In column F on that page, there 15:16:37</p> <p>3 are references to things like briefcase, 10 15:16:40</p> <p>4 by 30, et cetera. 15:16:42</p> <p>5 Can you tell me what that 15:16:44</p> <p>6 column is describing? 15:16:45</p> <p>7 A. Those are displays. 15:16:46</p> <p>8 Q. The displays that would be used 15:16:48</p> <p>9 at the convention? 15:16:51</p> <p>10 A. Yes. 15:16:52</p> <p>11 Q. Okay. You can set that aside. 15:16:52</p> <p>12 (Mallinckrodt-Collier Exhibit 15:16:58</p> <p>13 27 marked for identification.) 15:16:58</p> <p>14 QUESTIONS BY MR. GOTTO: 15:16:58</p> <p>15 Q. Exhibit 27 is a one-page 15:17:26</p> <p>16 document produced in native format, 15:17:35</p> <p>17 MNK-T1_00006714382, and appears to be certain 15:17:38</p> <p>18 advertising expenditures. 15:17:48</p> <p>19 Can you tell me what the 15:17:50</p> <p>20 information on this document is? 15:17:52</p> <p>21 MR. O'CONNOR: Object to form. 15:17:56</p> <p>22 THE WITNESS: It relates to 15:17:56</p> <p>23 materials that we would -- programs or 15:17:59</p> <p>24 advertising that we spend on 15:18:02</p> <p>25 particular products, our programs that 15:18:04</p>	<p style="text-align: right;">Page 248</p> <p>1 audience. 15:19:03</p> <p>2 Q. Okay. You can set that aside. 15:19:05</p> <p>3 (Mallinckrodt-Collier Exhibit 15:19:07</p> <p>4 28 marked for identification.) 15:19:08</p> <p>5 QUESTIONS BY MR. GOTTO: 15:19:08</p> <p>6 Q. Exhibit 28 is a multipage 15:19:51</p> <p>7 e-mail thread beginning with 15:19:54</p> <p>8 MNK-T1_0005964786. Take a look at those 15:19:56</p> <p>9 e-mails, if you would, and tell me if you 15:20:03</p> <p>10 recognize them. 15:20:05</p> <p>11 A. Okay. 15:20:06</p> <p>12 Q. Do you recognize those e-mails? 15:22:29</p> <p>13 A. Yes, I do. 15:22:31</p> <p>14 Q. And if you turn to the second 15:22:31</p> <p>15 page, your e-mail at the bottom of that page 15:22:36</p> <p>16 dated September 29th, it appears that you 15:22:38</p> <p>17 were making adjustments to VIP tiers to 15:22:47</p> <p>18 remove oxy 30 milligrams; is that correct? 15:22:50</p> <p>19 A. Yes. 15:22:53</p> <p>20 Q. And what was the reason for 15:22:53</p> <p>21 that? 15:22:54</p> <p>22 A. Because the oxy 30 milligram we 15:22:54</p> <p>23 didn't want to appear to be promoting 15:22:57</p> <p>24 increasing value of volume on products, so we 15:23:00</p> <p>25 didn't want to provide incentives for that. 15:23:04</p>
<p style="text-align: right;">Page 247</p> <p>1 we had. 15:18:08</p> <p>2 QUESTIONS BY MR. GOTTO: 15:18:08</p> <p>3 Q. Okay. And this is for the 15:18:08</p> <p>4 years 2011 through 2015? 15:18:09</p> <p>5 A. Yes. 15:18:10</p> <p>6 Q. Okay. In terms of budgeting 15:18:12</p> <p>7 for advertising expenses of these types, was 15:18:18</p> <p>8 this something that fell within your 15:18:21</p> <p>9 responsibility? 15:18:24</p> <p>10 A. Yes. 15:18:25</p> <p>11 Q. Okay. And how did you go about 15:18:26</p> <p>12 making the determination of what sorts of 15:18:28</p> <p>13 journals or other publications were 15:18:33</p> <p>14 appropriate ones to be spending money on 15:18:35</p> <p>15 advertising in? 15:18:38</p> <p>16 A. It depended on which magazines 15:18:38</p> <p>17 or trade -- they were all trade journals, so 15:18:41</p> <p>18 they went to pharmacists. And it depended on 15:18:45</p> <p>19 specific to the product, if it was used in 15:18:47</p> <p>20 more hospitals or if it was used in retail 15:18:48</p> <p>21 pharmacies and what the messaging was trying 15:18:51</p> <p>22 to be about. You know, if the fentanyl patch 15:18:54</p> <p>23 size was a good size, we would try and 15:18:57</p> <p>24 demonstrate that, or if we were launching a 15:18:59</p> <p>25 new product, we would try and capture that 15:19:01</p>	<p style="text-align: right;">Page 249</p> <p>1 And most of them, obviously, 15:23:08</p> <p>2 came -- some of them fell off with the 15:23:10</p> <p>3 Florida issues that were going on at the 15:23:12</p> <p>4 time. 15:23:15</p> <p>5 Q. When you say "fell off," what 15:23:15</p> <p>6 do you mean? 15:23:17</p> <p>7 A. Many of their sales of some of 15:23:17</p> <p>8 our customers fell off, so the customers 15:23:19</p> <p>9 weren't selling into the state of Florida. 15:23:21</p> <p>10 So it -- we just advised them that the best 15:23:24</p> <p>11 thing to do was just remove it from their 15:23:27</p> <p>12 agreement so that they wouldn't have volume 15:23:29</p> <p>13 incentive program for it. 15:23:32</p> <p>14 Q. Okay. In the second paragraph 15:23:34</p> <p>15 of your e-mail you say, "Sounds as if we 15:23:43</p> <p>16 didn't have pushback from Steve's 15:23:45</p> <p>17 perspective." 15:23:47</p> <p>18 Who is Steve in that sentence? 15:23:47</p> <p>19 A. Steve Becker was the sales 15:23:49</p> <p>20 representative. 15:23:53</p> <p>21 Q. Okay. On the first page 15:23:53</p> <p>22 there's an October 6th e-mail from Jane 15:24:05</p> <p>23 Williams to you talking about a January 15:24:08</p> <p>24 target date for removal of oxy 15 and 30 from 15:24:12</p> <p>25 all volume incentive programs. 15:24:16</p>



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1 And then in the second 15:24:18  
 2 paragraph she says, "It's also my 15:24:23  
 3 recommendation that we consider a change in 15:24:26  
 4 strategy for customers requesting trade show 15:24:29  
 5 buys on our products by providing a trade 15:24:31  
 6 show allowance equal to what we might 15:24:33  
 7 normally offer in discounted product costs or 15:24:36  
 8 possibly an educational giveaway to be 15:24:38  
 9 determined in order to keep this consistently 15:24:40  
 10 managed." 15:24:43  
 11 And then you respond, "This is 15:24:44  
 12 the direction we discussed. I would like to 15:24:46  
 13 stop paying the trade show rebates and fees 15:24:48  
 14 for our products when the contracts come 15:24:50  
 15 due." 15:24:52  
 16 Are the trade show rebates 15:24:52  
 17 related to the -- to the oxy 15 and oxy 30 15:24:55  
 18 sales, or is that a separate issue? 15:25:00  
 19 MR. O'CONNOR: Objection to 15:25:01  
 20 form. 15:25:02  
 21 THE WITNESS: Are the trade 15:25:02  
 22 show rebates related to the oxy -- no. 15:25:04  
 23 The customers gets trade show rebates, 15:25:06  
 24 just a standard percentage of all 15:25:11  
 25 sales. 15:25:12

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1 QUESTIONS BY MR. GOTTO: 15:25:13  
 2 Q. Okay. And that would -- were 15:25:13  
 3 those rebates being suspended with respect to 15:25:15  
 4 oxy 15 and 30 sales? 15:25:22  
 5 A. I wanted them suspended for all 15:25:23  
 6 products. 15:25:25  
 7 Q. Okay. Did that happen? 15:25:25  
 8 A. I believe we did. 15:25:27  
 9 Q. Okay. And what was the reason 15:25:28  
 10 for that? 15:25:32  
 11 A. I just didn't think that 15:25:33  
 12 Mallinckrodt had value in offering an 15:25:34  
 13 additional discount to some of these 15:25:36  
 14 customers. They would just get additional 15:25:39  
 15 rebate for doing nothing, basically. So we 15:25:42  
 16 just didn't see that there was value in doing 15:25:47  
 17 that. 15:25:49  
 18 Q. Okay. And then in the top 15:25:49  
 19 e-mail on the first page from Lisa Cardetti, 15:25:56  
 20 she says, "Originally we were going to 15:25:56  
 21 exclude all oxycodone. Just wanted to verify 15:26:01  
 22 that we will only be excluding 15 and 30." 15:26:02  
 23 Now, do you understand her 15:26:05  
 24 there to be talking about excluding from the 15:26:08  
 25 VIP program? 15:26:13

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1 A. Yes. 15:26:14  
 2 Q. Okay. And which was it? Was 15:26:14  
 3 it excluding all oxycodone or just 15 and 30? 15:26:17  
 4 do you know? 15:26:20  
 5 MR. O'CONNOR: Object to form. 15:26:20  
 6 THE WITNESS: I believe it 15:26:21  
 7 became only the 15 and 30. We 15:26:23  
 8 remained with the 5 milligram. 15:26:25  
 9 QUESTIONS BY MR. GOTTO: 15:26:29  
 10 Q. Okay. You can set that aside. 15:26:29  
 11 (Mallinckrodt-Collier Exhibit 15:26:30  
 12 29 for identification.) 15:26:59  
 13 QUESTIONS BY MR. GOTTO: 15:26:59  
 14 Q. Exhibit 29 is a two-page 15:26:59  
 15 document beginning at Bates 15:27:01  
 16 MNK-T1\_0001553297. It appears to be a mailer 15:27:08  
 17 concerning a CME presentation. 15:27:14  
 18 Do you recognize this document? 15:27:22  
 19 A. No, I do not. 15:27:24  
 20 Q. Do you recall having any 15:27:25  
 21 familiarity with any CME presentations 15:27:37  
 22 concerning opioid rotation? 15:27:42  
 23 A. Not the specific CE. We did 15:27:45  
 24 discuss doing continuing education. 15:27:51  
 25 Q. On this topic? 15:27:52

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1 MR. O'CONNOR: Object to form. 15:27:53  
 2 THE WITNESS: I don't remember. 15:27:54  
 3 QUESTIONS BY MR. GOTTO: 15:27:55  
 4 Q. Okay. Do you know what opioid 15:27:55  
 5 rotation means in the context of this mailer? 15:27:57  
 6 A. No, I do not. 15:28:00  
 7 Q. Okay. And down toward the 15:28:02  
 8 bottom of the mailer it says, "This activity 15:28:04  
 9 is funded through an educational grant from 15:28:06  
 10 Mallinckrodt/Covidien." 15:28:11  
 11 Do you see that? 15:28:12  
 12 A. Yes. 15:28:13  
 13 Q. And educational grants of that 15:28:13  
 14 type, is that something that was handled by 15:28:17  
 15 the marketing department? 15:28:20  
 16 A. Not in my group, because this 15:28:21  
 17 is targeting physicians. We don't target 15:28:25  
 18 physicians at all. We don't even talk to 15:28:27  
 19 them. 15:28:29  
 20 Q. Okay. So whatever educational 15:28:29  
 21 grant underlay this presentation would have 15:28:33  
 22 been something that someone else handled? 15:28:35  
 23 A. Correct. 15:28:37  
 24 Q. Okay. All right. You can set 15:28:37  
 25 that aside. 15:28:41

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1 (Mallinckrodt-Collier Exhibits 15:28:55  
2 30 and 31 marked for identification.) 15:28:56  
3 QUESTIONS BY MR. GOTTO: 15:28:56  
4 Q. We've marked as Exhibit 30 a 15:29:23  
5 single-page document, MNK-T1\_0004673096, and 15:29:54  
6 as Exhibit 31, a single-page document bearing 15:30:01  
7 the next succeeding Bates number. 15:30:06  
8 Could you take a look at those 15:30:08  
9 materials and tell me if you recognize them? 15:30:09  
10 A. I recognize this. 15:30:11  
11 Q. The attachment? 15:30:20  
12 A. I do. 15:30:21  
13 Q. Okay. So in Exhibit 30, 15:30:21  
14 Mr. Vorderstrasse sends you an e-mail saying 15:30:26  
15 that "working on ideas for McKesson, who was 15:30:28  
16 looking for information to show that we were 15:30:33  
17 accepted in the market and to give them ideas 15:30:37  
18 of selling techniques that have proven 15:30:38  
19 successful." 15:30:42  
20 And then Exhibit 31 appears to 15:30:42  
21 be the attachment to the e-mail; is that 15:30:44  
22 right? 15:30:49  
23 A. Uh-huh. 15:30:49  
24 Q. And so Exhibit 31 has some 15:30:50  
25 information about Mallinckrodt historical 15:30:53

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1 market share and then "available sales 15:30:55  
2 materials, parens, we will likely need PARC, 15:30:59  
3 P-A-R-C, approval to send examples." 15:31:02  
4 What is PARC in this setting? 15:31:06  
5 A. Promotional material review 15:31:07  
6 meeting. Promotional advertising review 15:31:10  
7 committee. 15:31:13  
8 Q. Okay. And that was a 15:31:13  
9 Mallinckrodt committee? 15:31:15  
10 A. Yes. 15:31:15  
11 Q. Were you on the committee? 15:31:15  
12 A. No, I submitted materials to 15:31:16  
13 them -- 15:31:18  
14 Q. Okay. 15:31:19  
15 A. -- for approval. 15:31:19  
16 Q. Who was on the committee; do 15:31:19  
17 you know? 15:31:21  
18 A. I didn't think I'd ever forget 15:31:21  
19 his name, but, no, I don't remember the name. 15:31:26  
20 Q. Do you remember what his -- 15:31:29  
21 A. The key gentleman. 15:31:30  
22 Q. Do you remember what 15:31:34  
23 his position was? 15:31:35  
24 A. He was the lead at PARC, and so 15:31:35  
25 he reviewed all communications. 15:31:37

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1 Q. Okay. Do you remember what 15:31:40  
2 division in Mallinckrodt he worked in? 15:31:42  
3 A. He wasn't brand or generic. He 15:31:44  
4 actually -- both of us had to report our 15:31:47  
5 materials through him. I remember his first 15:31:49  
6 name is Dennis. That's all I can remember. 15:31:53  
7 Q. Okay. So there are available 15:31:55  
8 sales material -- materials that are listed 15:31:57  
9 on the attachment, a sell sheet and a 15:32:01  
10 tri-fold sell sheet with "think Mallinckrodt" 15:32:07  
11 focus. 15:32:10  
12 Do you know what those 15:32:10  
13 materials are? 15:32:11  
14 A. The tri-fold sell sheet was 15:32:12  
15 something that we were thinking of doing. 15:32:15  
16 It's a folder. So if you go into brochure, 15:32:17  
17 it's folded three times, and it opens up and 15:32:21  
18 it gives you information. So it was 15:32:23  
19 something we were thinking of doing, and the 15:32:24  
20 pharmacy said they couldn't use it because 15:32:26  
21 they didn't put anything on their shelves 15:32:28  
22 anymore, on their counters for patients to 15:32:30  
23 pick up. 15:32:32  
24 The sell sheet would be just a 15:32:32  
25 sell sheet explaining -- with a copy of the 15:32:34

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1 ad, the package insert, and all the 15:32:37  
2 information about the risks of the product. 15:32:39  
3 And then it just showed, like I said, the 15:32:46  
4 size of our patch. 15:32:48  
5 And then we were going to 15:32:49  
6 enclose a sample patch that was inactive so 15:32:51  
7 they could see the size of the patch, because 15:32:55  
8 we felt that was our biggest advantage. 15:32:56  
9 Q. Okay. Okay. All right. You 15:32:58  
10 can set that aside. 15:33:01  
11 (Mallinckrodt-Collier Exhibit 15:33:33  
12 32 marked for identification.) 15:33:33  
13 QUESTIONS BY MR. GOTTO: 15:33:33  
14 Q. Exhibit 32 is a two-page e-mail 15:33:41  
15 thread beginning at Bates MNK-T1\_0000925331. 15:33:43  
16 Please take a look at those e-mails and tell 15:33:49  
17 me if you recognize them. 15:33:51  
18 A. Okay. 15:34:48  
19 Q. Do you recognize those e-mails? 15:34:48  
20 A. Yes, I do. 15:34:49  
21 Q. Okay. On the first page, the 15:34:50  
22 bottom half, e-mail from you to Leah LaRue 15:34:53  
23 and others. 15:34:58  
24 First of all, who was Leah 15:34:58  
25 LaRue? 15:35:01

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<p>1 A. She was part of the CARES 15:35:01</p> <p>2 Alliance team. 15:35:05</p> <p>3 Q. And how about Dan Brague? 15:35:05</p> <p>4 A. He was in brands. I don't 15:35:07</p> <p>5 remember what his role was. 15:35:11</p> <p>6 Q. Okay. Chris Wagner? 15:35:12</p> <p>7 A. Not familiar with him. 15:35:13</p> <p>8 Q. Okay. In your e-mail you say, 15:35:15</p> <p>9 "For generics we need more educational and 15:35:22</p> <p>10 communication materials for pharmacies, 15:35:24</p> <p>11 including how to identify a patient that may 15:35:25</p> <p>12 be at risk, how to handle a patient that 15:35:27</p> <p>13 comes in too soon for a refill," and then you 15:35:31</p> <p>14 have several other bullet items under that. 15:35:34</p> <p>15 How did you develop that list 15:35:36</p> <p>16 of information that you felt needed more 15:35:37</p> <p>17 education and communication materials for? 15:35:40</p> <p>18 A. At trade shows we had asked 15:35:42</p> <p>19 customers what they thought was lacking and 15:35:46</p> <p>20 what kind of information would they need from 15:35:48</p> <p>21 a company like Mallinckrodt. 15:35:50</p> <p>22 Q. Okay. At the end of your 15:35:51</p> <p>23 e-mail you say, "I am sure I will think of 15:35:58</p> <p>24 more once I dig into the SOM program more." 15:36:00</p> <p>25 So this is in -- you send the 15:36:03</p>	<p>1 Q. Okay. And do you recall if you 15:37:16</p> <p>2 were ever able to locate that poster again? 15:37:22</p> <p>3 A. They never developed it again. 15:37:25</p> <p>4 Q. Okay. You can set that aside. 15:37:26</p> <p>5 (Mallinckrodt-Collier Exhibit 15:37:27</p> <p>6 33 marked for identification.) 15:38:01</p> <p>7 QUESTIONS BY MR. GOTTO: 15:38:01</p> <p>8 Q. Exhibit 33 is a multipage 15:38:01</p> <p>9 e-mail thread beginning MNK-T1_0000660532. 15:38:03</p> <p>10 Take a look at those, and tell me if you 15:38:09</p> <p>11 recognize those e-mails. 15:38:11</p> <p>12 Do you recognize those e-mails? 15:39:16</p> <p>13 A. Yes. 15:39:19</p> <p>14 Q. And your e-mail on the bottom 15:39:19</p> <p>15 part of the first page lists a series of 15:39:21</p> <p>16 grants that had been funded the prior year, 15:39:24</p> <p>17 correct? 15:39:27</p> <p>18 A. Correct. 15:39:27</p> <p>19 Q. And the funding of these 15:39:27</p> <p>20 grants, is that -- who was responsible for 15:39:30</p> <p>21 making the decision to fund grants of this 15:39:32</p> <p>22 type? 15:39:35</p> <p>23 A. That actually would have been 15:39:35</p> <p>24 the president of our team. 15:39:37</p> <p>25 Q. And Mr. Gunning? 15:39:38</p>
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<p>1 e-mail in February 2013. 15:36:08</p> <p>2 Do you recall what digging into 15:36:12</p> <p>3 the SOM program you were doing at this time? 15:36:15</p> <p>4 A. I don't recall. 15:36:18</p> <p>5 Q. Do you recall if you did come 15:36:19</p> <p>6 up with additional proposed items for 15:36:23</p> <p>7 education for pharmacies? 15:36:26</p> <p>8 A. I don't remember if we did. 15:36:28</p> <p>9 Q. Okay. Do you recall if -- do 15:36:31</p> <p>10 you recall participating in preparing any 15:36:36</p> <p>11 educational and communication materials of 15:36:39</p> <p>12 the type you describe in your e-mail? 15:36:41</p> <p>13 A. The only thing I remember that 15:36:43</p> <p>14 we did was information on safe disposal. 15:36:44</p> <p>15 Q. Okay. The last bullet item in 15:36:47</p> <p>16 your e-mail you say, "There was a poster we 15:36:55</p> <p>17 handed out at showing the most widely abused 15:36:58</p> <p>18 drugs. It would be good to have that again." 15:37:01</p> <p>19 Do you recall that poster? 15:37:04</p> <p>20 A. I do recall seeing that poster. 15:37:05</p> <p>21 Q. And in what context do you 15:37:07</p> <p>22 remember seeing it? 15:37:09</p> <p>23 A. There was a closet full of all 15:37:09</p> <p>24 promotional materials, and I happened to see 15:37:13</p> <p>25 something in there. 15:37:15</p>	<p>1 A. Yes. 15:39:40</p> <p>2 Q. Okay. 15:39:41</p> <p>3 A. At this time it might have been 15:39:43</p> <p>4 David Silver because Mr. Gunning had passed 15:39:45</p> <p>5 away. 15:39:47</p> <p>6 Q. Oh, I see. Okay. 15:39:47</p> <p>7 Did you have input into -- or 15:39:49</p> <p>8 did you make recommendations as to grant -- 15:39:52</p> <p>9 you personally make recommendations as to 15:39:55</p> <p>10 which grants you thought were worthwhile? 15:39:57</p> <p>11 MR. O'CONNOR: Object to form. 15:40:00</p> <p>12 THE WITNESS: Sometimes I did, 15:40:00</p> <p>13 yes. 15:40:01</p> <p>14 QUESTIONS BY MR. GOTTO: 15:40:01</p> <p>15 Q. And what criteria did you 15:40:02</p> <p>16 employ in making that determination? 15:40:03</p> <p>17 A. Relationship to Mallinckrodt. 15:40:05</p> <p>18 Their relationship to Mallinckrodt. 15:40:09</p> <p>19 Q. And what sorts of -- when you 15:40:11</p> <p>20 say "relationship to Mallinckrodt," what do 15:40:16</p> <p>21 you mean by that? 15:40:17</p> <p>22 A. For example, AATOD is a big 15:40:18</p> <p>23 organization about opioid dependence, and 15:40:25</p> <p>24 they do a lot of education on methadone, and 15:40:27</p> <p>25 we actually sold methadone, too. So it would 15:40:29</p>

<p style="text-align: right;">Page 262</p> <p>1 be that relationship, that they were very 15:40:31</p> <p>2 important in the industry for methadone 15:40:33</p> <p>3 treatment, so you want to make sure that they 15:40:36</p> <p>4 continued doing work that they were doing. 15:40:38</p> <p>5 Q. Okay. Are there any other of 15:40:40</p> <p>6 these organizations in particular that you 15:40:44</p> <p>7 can recall recommending Mallinckrodt make the 15:40:45</p> <p>8 grant? 15:40:48</p> <p>9 A. American Pharmacists 15:40:49</p> <p>10 Association. American Society Health System 15:41:01</p> <p>11 Pharmacists Research and Education 15:41:03</p> <p>12 Foundation. And the two customer requests 15:41:05</p> <p>13 for Kroger and Cardinal would have come from 15:41:10</p> <p>14 the sales team. 15:41:13</p> <p>15 Q. And in terms of the two 15:41:14</p> <p>16 pharmacists associations that you mentioned, 15:41:18</p> <p>17 what was the reason for recommending those 15:41:20</p> <p>18 grants? 15:41:22</p> <p>19 A. They provide educational 15:41:22</p> <p>20 materials for pharmacies, and they help 15:41:24</p> <p>21 provide programs and services to independent 15:41:30</p> <p>22 pharmacies which we don't have reach to. 15:41:32</p> <p>23 Q. Okay. You can set that aside. 15:41:35</p> <p>24 (Mallinckrodt-Collier Exhibit 15:41:49</p> <p>25 34 marked for identification.) 15:41:50</p>	<p style="text-align: right;">Page 264</p> <p>1 another initiative, so they wouldn't have 15:42:55</p> <p>2 been in my area. 15:42:57</p> <p>3 Q. Okay. Okay. So in terms of 15:42:58</p> <p>4 grants that the marketing department made a 15:43:01</p> <p>5 determination on, those would be reflected on 15:43:07</p> <p>6 the -- the prior exhibit we just looked at? 15:43:08</p> <p>7 MR. O'CONNOR: Object to form. 15:43:10</p> <p>8 THE WITNESS: Correct. 15:43:11</p> <p>9 QUESTIONS BY MR. GOTTO: 15:43:11</p> <p>10 Q. Okay. All right. You can set 15:43:12</p> <p>11 that aside. 15:43:13</p> <p>12 (Mallinckrodt-Collier Exhibit 15:43:14</p> <p>13 35 marked for identification.) 15:43:15</p> <p>14 QUESTIONS BY MR. GOTTO: 15:43:15</p> <p>15 Q. Exhibit 35 is a two-page e-mail 15:43:51</p> <p>16 thread beginning at Bates MNK-T1_0000558153. 15:43:55</p> <p>17 Please take a look at that and let me know if 15:44:01</p> <p>18 you recognize those e-mails. 15:44:03</p> <p>19 A. Yes, I recognize it. 15:44:04</p> <p>20 Q. Okay. The bottom e-mail on the 15:44:10</p> <p>21 first page from Debbie Digby is another 15:44:14</p> <p>22 e-mail transmitting monthly SOM reports 15:44:17</p> <p>23 similar to a document we looked at a little 15:44:21</p> <p>24 earlier this afternoon. 15:44:23</p> <p>25 You recall? 15:44:27</p>
<p style="text-align: right;">Page 263</p> <p>1 QUESTIONS BY MR. GOTTO: 15:41:50</p> <p>2 Q. I'll apologize in advance for 15:41:53</p> <p>3 the small type on this document. 15:41:54</p> <p>4 A. Oh, boy. 15:41:57</p> <p>5 Q. Exhibit 34 is a multipage -- 15:41:58</p> <p>6 well, actually it's a document that was 15:42:02</p> <p>7 produced in native at MNK-T1_0000661003, and 15:42:03</p> <p>8 it appears to be a list of grants. 15:42:11</p> <p>9 And perhaps I can just ask you 15:42:14</p> <p>10 a general question about the very first line 15:42:17</p> <p>11 where it says, "GCC approved grants 15:42:20</p> <p>12 January 14 to present." 15:42:25</p> <p>13 Do you know what GCC means in 15:42:26</p> <p>14 this setting? 15:42:28</p> <p>15 A. No, I don't. 15:42:29</p> <p>16 Q. Okay. Do you know if the 15:42:31</p> <p>17 grants and contributions that are contained 15:42:35</p> <p>18 in this document were grants and 15:42:38</p> <p>19 contributions that Mallinckrodt made, or is 15:42:40</p> <p>20 it some other compilation of grants and 15:42:43</p> <p>21 contributions? 15:42:45</p> <p>22 A. I don't know if these are 15:42:45</p> <p>23 grants that -- specifically that Mallinckrodt 15:42:48</p> <p>24 made. It looks as if many of them would have 15:42:50</p> <p>25 been funded either through CARES Alliance or 15:42:53</p>	<p style="text-align: right;">Page 265</p> <p>1 A. Yes. 15:44:27</p> <p>2 Q. And then the top e-mail is an 15:44:27</p> <p>3 e-mail from you to, well, a number of folks, 15:44:29</p> <p>4 but in the body of the e-mail you say 15:44:33</p> <p>5 "Karen." 15:44:35</p> <p>6 I assume that means Karen 15:44:35</p> <p>7 Harper? 15:44:37</p> <p>8 A. I would assume so. 15:44:37</p> <p>9 Q. Okay. And you indicate that 15:44:44</p> <p>10 you took highest volume pharmacies ran by 15:44:50</p> <p>11 distributor, et cetera, and compiled the data 15:44:53</p> <p>12 that's in the table on the e-mail, correct? 15:44:55</p> <p>13 A. Correct. 15:44:58</p> <p>14 Q. And what was your reason for 15:44:59</p> <p>15 doing that? 15:45:00</p> <p>16 A. I guess so that -- to inform 15:45:01</p> <p>17 Karen of what the wholesalers' sales are. 15:45:07</p> <p>18 Q. And why did you think that 15:45:12</p> <p>19 would be something that she should be 15:45:21</p> <p>20 informed of? 15:45:23</p> <p>21 A. I'm trying to understand what 15:45:24</p> <p>22 I'm even saying here. 15:45:26</p> <p>23 Okay. Well, I guess in the 15:45:42</p> <p>24 process we continued to monitor what some of 15:45:43</p> <p>25 the wholesalers were doing in their sales. 15:45:47</p>



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1 Q. And monitoring it for what 15:45:50  
2 purpose? 15:45:57  
3 A. To see if there's any high 15:45:57  
4 concentration by some of these smaller 15:46:00  
5 distributors. 15:46:03  
6 Q. And high concentration meaning 15:46:03  
7 what in this setting? 15:46:09  
8 A. So, for example, if Masters 15:46:11  
9 would have 15 percent share, that would be 15:46:12  
10 concerning because we have large volume 15:46:15  
11 customers on here. Or if KeySource was high. 15:46:17  
12 Q. And do you recall if you 15:46:22  
13 performed this analysis on other occasions, 15:46:34  
14 or was this a one-time thing that you did? 15:46:38  
15 MR. O'CONNOR: Object to form. 15:46:41  
16 THE WITNESS: I'm not sure if 15:46:42  
17 it was done on a frequent basis. I -- 15:46:44  
18 I just said I just took this, so I 15:46:50  
19 assume that possibly from the data 15:46:52  
20 that was provided by Debbie, I twisted 15:46:53  
21 it a little bit further, you know, to 15:46:55  
22 look at the numbers in a different 15:46:57  
23 way. 15:46:58  
24 QUESTIONS BY MR. GOTTO: 15:46:58  
25 Q. Do you know if you had any 15:46:58

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1 particular reason for performing that 15:46:59  
2 analysis in March of 2011? 15:47:02  
3 A. I don't recall. 15:47:03  
4 Q. Okay. You can put that aside. 15:47:06  
5 (Mallinkrodt-Collier Exhibit 15:47:11  
6 36 marked for identification.) 15:47:12  
7 QUESTIONS BY MR. GOTTO: 15:47:12  
8 Q. Exhibit 36 is a multipage 15:47:33  
9 document beginning at MNK-T1\_0000609142. It 15:47:36  
10 appears to be NACDS meeting notes from April 15:47:42  
11 of 2013. 15:47:48  
12 Are you familiar with what the 15:47:49  
13 NACDS meetings were? 15:47:53  
14 A. Yes. 15:47:55  
15 Q. And what were they? 15:47:55  
16 A. They were National Association 15:47:57  
17 of Chain Drugstores, and it was meeting -- 15:47:59  
18 this particular meeting was with executives 15:48:03  
19 from the big wholesalers and big chains 15:48:05  
20 and -- with the executives from the 15:48:09  
21 manufacturers. 15:48:11  
22 Q. Okay. And did you participate 15:48:11  
23 in those meetings? 15:48:13  
24 A. I participated, yes. 15:48:13  
25 Q. Okay. Did you prepare these 15:48:15

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1 notes? 15:48:17  
2 A. No, I did not. 15:48:17  
3 Q. Do you know who did? 15:48:18  
4 A. This would have been someone in 15:48:19  
5 sales, possibly Jane. 15:48:21  
6 Q. Okay. Did you have any input 15:48:23  
7 into what she put into the notes? 15:48:26  
8 A. I don't recall putting anything 15:48:28  
9 in, adding any comments. 15:48:30  
10 Q. Were these meetings held 15:48:32  
11 regularly? 15:48:35  
12 A. Annually, yes. 15:48:35  
13 Q. And did you participate each 15:48:37  
14 year? 15:48:39  
15 A. Yes, I did. 15:48:39  
16 MR. GOTTO: Okay. All right. 15:48:46  
17 Why don't we go off the record. 15:48:47  
18 VIDEOGRAPHER: We're going off 15:48:49  
19 the record at 3:48 p.m. 15:48:50  
20 (Off the record at 3:48 p.m.) 15:48:52  
21 VIDEOGRAPHER: We are back on 15:53:10  
22 the record at 3:52 p.m. 15:53:11  
23 CROSS-EXAMINATION 15:53:12  
24 QUESTIONS BY MS. HERZFELD: 15:53:13  
25 Q. Good afternoon, Ms. Collier. 15:53:14

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1 My name is Tricia Herzfeld. I'm an attorney 15:53:15  
2 representing the plaintiffs in the Tennessee 15:53:17  
3 state court litigation. 15:53:19  
4 How are you doing this 15:53:20  
5 afternoon? 15:53:21  
6 A. Very good, thank you. 15:53:21  
7 Q. Good. 15:53:22  
8 Are you familiar at all with 15:53:22  
9 the Tennessee litigation? 15:53:23  
10 A. No, I'm not. 15:53:24  
11 Q. Okay. 15:53:25  
12 MS. HERZFELD: Well, before we 15:53:26  
13 get on the record, I'm just going to 15:53:27  
14 make our standard objection, which 15:53:28  
15 we've made in every deposition we've 15:53:30  
16 had thus far, so I won't repeat all 15:53:32  
17 the specifics. 15:53:35  
18 MR. O'CONNOR: And we'll make 15:53:35  
19 our standard objection to your 15:53:36  
20 objection. 15:53:37  
21 MS. HERZFELD: Excellent. 15:53:38  
22 Wonderful. Moving on. 15:53:39  
23 QUESTIONS BY MS. HERZFELD: 15:53:41  
24 Q. Ms. Collier, have you ever been 15:53:42  
25 to the state of Tennessee? 15:53:42

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1 A. Yes, I have. 15:53:44  
2 Q. And for business or pleasure? 15:53:44  
3 A. Both. 15:53:45  
4 Q. Okay. When for business? 15:53:46  
5 A. When for business? 15:53:47  
6 Q. Yes, ma'am. 15:53:50  
7 A. I believe I was there for a 15:53:50  
8 conference in Nashville, and doing business 15:53:52  
9 in Memphis with McKesson. 15:53:54  
10 Q. Okay. And when was the 15:53:59  
11 conference in Nashville? 15:54:00  
12 A. I have no idea. 15:54:00  
13 Q. Okay. Do you know who you were 15:54:01  
14 working for when you attended the conference? 15:54:03  
15 A. Probably Baxter. 15:54:04  
16 Q. Okay. And when you said "in 15:54:08  
17 Memphis," was that for your time with 15:54:11  
18 McKesson? 15:54:12  
19 A. No. It was calling on 15:54:13  
20 McKesson. 15:54:15  
21 Q. Oh, calling on McKesson. 15:54:16  
22 A. They have a warehouse there. 15:54:18  
23 Q. Okay. 15:54:18  
24 A. They had a warehouse there. 15:54:20  
25 Q. And who were you employed by 15:54:21

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1 when you were calling on McKesson? 15:54:23  
2 A. Baxter. 15:54:24  
3 Q. Okay. In your capacity as an 15:54:25  
4 employee of Mallinckrodt, did you ever visit 15:54:27  
5 Tennessee? 15:54:31  
6 A. Yes. 15:54:31  
7 Q. Okay. And when was that? 15:54:32  
8 A. I don't recall. 15:54:33  
9 Q. Okay. And what were you doing 15:54:39  
10 in Tennessee? 15:54:40  
11 A. Visiting the McKesson 15:54:41  
12 warehouse. 15:54:43  
13 Q. Okay. So you visited the 15:54:43  
14 McKesson warehouse in Memphis during your job 15:54:45  
15 at Baxter as well as your job at 15:54:49  
16 Mallinckrodt; is that correct? 15:54:52  
17 A. Correct. 15:54:52  
18 MR. O'CONNOR: Object to form. 15:54:52  
19 QUESTIONS BY MS. HERZFELD: 15:54:53  
20 Q. Okay. Any other times that you 15:54:53  
21 visited Tennessee in your capacity as an 15:54:56  
22 employee of Mallinckrodt? 15:54:58  
23 A. Not that I remember. 15:54:59  
24 Q. Okay. And you've gone 15:55:01  
25 personally for vacation or something? 15:55:05

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1 A. Yes. 15:55:07  
2 Q. Okay. And which cities did you 15:55:07  
3 visit? 15:55:09  
4 A. Memphis. 15:55:09  
5 Q. Oh, okay. 15:55:11  
6 Did you get to go to the Civil 15:55:13  
7 Rights Museum? 15:55:14  
8 A. No. 15:55:16  
9 Q. Graceland? 15:55:16  
10 A. Yes. 15:55:18  
11 Q. Did you like it? 15:55:18  
12 A. No. 15:55:19  
13 Q. Okay. It's a little different 15:55:19  
14 than people think. 15:55:21  
15 Okay. And does that pretty 15:55:22  
16 much close out your visits to Tennessee, just 15:55:24  
17 Memphis and Nashville? 15:55:27  
18 A. Yes. 15:55:28  
19 Q. Okay. Have you ever been to 15:55:29  
20 the Appalachian region of Tennessee? 15:55:31  
21 A. Possibly driven through it. 15:55:34  
22 Q. Okay. 15:55:36  
23 A. I'm not really sure where it 15:55:37  
24 is. 15:55:39  
25 Q. Okay. You've heard of the 15:55:39

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1 Smoky Mountains? 15:55:42  
2 A. Yes. 15:55:42  
3 Q. Okay. Do you know there's an 15:55:43  
4 area of Tennessee that's like up northeast of 15:55:44  
5 the Smoky Mountains? It's almost in 15:55:47  
6 Kentucky, West Virginia? 15:55:49  
7 A. Then I might have driven 15:55:51  
8 through it. 15:55:52  
9 Q. Okay. Do you know where you 15:55:53  
10 were going? 15:55:55  
11 A. From New Jersey to St. Louis. 15:55:55  
12 Q. Okay. Okay. I'm going to go 15:55:57  
13 through just a couple of e-mails with you 15:56:11  
14 quickly, hopefully. I don't think they've 15:56:13  
15 been previously added as exhibits, so if they 15:56:17  
16 have, if somebody will stop me and hopefully 15:56:21  
17 we won't repeat it. 15:56:23  
18 If we could mark this one as 15:56:24  
19 Exhibit -- are we on 29? 15:56:26  
20 COURT REPORTER: 36. 15:56:32  
21 MS. HERZFELD: 36. 15:56:32  
22 MR. O'CONNOR: I think I have a 15:56:32  
23 36 already. So 37. 15:56:32  
24 MS. HERZFELD: 37. Okay. 15:56:47  
25 (Mallinckrodt-Collier Exhibit 15:56:47

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1 37 marked for identification.) 15:56:48  
2 QUESTIONS BY MS. HERZFELD: 15:56:48  
3 Q. Okay. If you'd take a moment 15:56:51  
4 and look at this e-mail, please. 15:56:52  
5 A. Okay. 15:56:53  
6 MR. HIBEY: If there's a Bates 15:56:53  
7 number for the document, could you 15:56:53  
8 please read it for us? 15:57:13  
9 MS. HERZFELD: Sure. But it's 15:57:13  
10 been produced in the Tennessee state 15:57:14  
11 litigation, so I don't have a Bates 15:57:17  
12 number for the MDL. 15:57:18  
13 MR. HIBEY: Well, I guess I'd 15:57:20  
14 take that Bates number as well, just 15:57:21  
15 some kind of identifier. 15:57:22  
16 MS. HERZFELD: Sure. 15:57:25  
17 Who is it on the phone? 15:57:25  
18 MR. HIBEY: This is David Hibey 15:57:28  
19 from Arnold & Porter. 15:57:29  
20 MS. HERZFELD: Okay. And 15:57:31  
21 you're representing whom? 15:57:31  
22 MR. HIBEY: Endo and Par. 15:57:33  
23 MS. HERZFELD: Okay. So the 15:57:35  
24 Tennessee state litigation number is 15:57:36  
25 MNK\_TNSTA05202063. And I have no idea 15:57:37

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1 if this was produced in the MDL. 15:57:45  
2 QUESTIONS BY MS. HERZFELD: 15:57:55  
3 Q. Ma'am, you've had an 15:57:56  
4 opportunity to review it? 15:57:57  
5 A. Yes. I'm still reviewing the 15:57:57  
6 top. I'm sorry. 15:57:59  
7 Q. That's okay. 15:58:00  
8 Okay. Are you finished 15:58:01  
9 reviewing it? 15:58:23  
10 A. Yes, ma'am. 15:58:24  
11 Q. Okay. Do you recognize this 15:58:24  
12 document? 15:58:25  
13 A. Yes, I do. 15:58:25  
14 Q. Okay. Does it appear to be an 15:58:26  
15 e-mail that was sent to you and Kate Neely 15:58:28  
16 from Karen Harper? 15:58:32  
17 A. The top one is. The bottom one 15:58:33  
18 started with Kate Neely sending something to 15:58:36  
19 Karen Harper and me -- and copying me. 15:58:39  
20 Q. Okay. And then it looks like a 15:58:41  
21 response on the top? 15:58:44  
22 A. Correct, from Karen. 15:58:45  
23 Q. Okay. Great. 15:58:46  
24 And so looking at this e-mail, 15:58:47  
25 Kate Neely asks about the audits of 15:58:51

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1 distributors, stating, "Have we ever asked 15:58:53  
2 them to provide written protocol for how they 15:58:56  
3 vet the customers that they sell to?" 15:58:58  
4 Do you see where I'm at? 15:59:00  
5 A. Yes, I do. 15:59:02  
6 Q. And did I read that correctly? 15:59:02  
7 A. Yes, you did. 15:59:04  
8 Q. Okay. And then, "Can we start 15:59:05  
9 making it a requirement that they provide us 15:59:07  
10 with written standard operating practices as 15:59:09  
11 to how they confirm that an account is okay?" 15:59:12  
12 Do you see that? 15:59:16  
13 A. Yes. 15:59:16  
14 Q. Okay. And then Karen Harper 15:59:16  
15 responds, "The question whether our customers 15:59:18  
16 monitor their customers was removed from the 15:59:22  
17 questionnaire by the Mallinckrodt suspicious 15:59:24  
18 order monitoring team because there is no 15:59:25  
19 {sic} actual regulatory obligation to monitor 15:59:28  
20 customers' customers." 15:59:32  
21 Do you see where I'm at? 15:59:35  
22 A. Yes. 15:59:36  
23 Q. Okay. Was that your 15:59:37  
24 understanding of the DEA requirements? 15:59:38  
25 A. I did not know the DEA 15:59:39

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1 requirements. That's why we were requesting. 15:59:40  
2 Q. Okay. And were you part of the 15:59:43  
3 decision to take that off the questionnaire? 15:59:44  
4 A. No, I was not. 15:59:46  
5 Q. Okay. And were you part of the 15:59:48  
6 decision to not require distributors to 15:59:50  
7 provide their written policies? 15:59:52  
8 A. No, I was not. 15:59:53  
9 Q. Okay. That was my only 15:59:54  
10 questions on that document. Thank you, 15:59:57  
11 ma'am. 15:59:58  
12 A. Okay. 15:59:58  
13 (Mallinckrodt-Collier Exhibit 16:00:08  
14 38 marked for identification.) 16:00:09  
15 MS. HERZFELD: For those on the 16:00:09  
16 phone, this is MNK\_TNSTA05202176. 16:00:27  
17 QUESTIONS BY MS. HERZFELD: 16:00:34  
18 Q. Okay. You've had an 16:01:09  
19 opportunity to read it? 16:01:10  
20 A. Yes, I have. 16:01:11  
21 Q. Okay. And what does this 16:01:11  
22 e-mail appear to be to you? 16:01:14  
23 A. This appears that we were 16:01:16  
24 requested to provide an average on 16:01:17  
25 OxyContin -- I mean, oxycodone units 16:01:24

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1 dispensed at the pharmacy level by state. 16:01:26  
2 Q. Okay. And it's an e-mail from 16:01:28  
3 you to Michael Gunning; is that correct? 16:01:30  
4 A. Correct. 16:01:31  
5 Q. Okay. And it's dated 16:01:32  
6 4/18/2011? 16:01:35  
7 A. Correct. 16:01:35  
8 Q. Okay. And do you have any 16:01:36  
9 reason to think you didn't receive this 16:01:37  
10 e-mail? 16:01:38  
11 A. No, I have no reason. 16:01:38  
12 Q. Okay. And so who is Michael 16:01:40  
13 Gunning? 16:01:43  
14 A. He was the president -- or the 16:01:43  
15 general manager of the generics division. 16:01:46  
16 Q. Okay. And do you have any 16:01:48  
17 specific memory of him requesting this 16:01:51  
18 information from you? 16:01:53  
19 A. No. 16:01:53  
20 Q. Okay. And do you know why he 16:01:55  
21 requested it from you? 16:01:56  
22 A. I'm not sure that he did 16:01:58  
23 request it. 16:02:00  
24 Q. Okay. Might it have been 16:02:01  
25 something that you just came up with to send? 16:02:03

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1 A. It might have been a discussion 16:02:05  
2 and I decided -- I could have acted 16:02:07  
3 proactively, or it could have been at a 16:02:09  
4 request. 16:02:12  
5 Q. And from the testimony that 16:02:12  
6 we've received a little bit earlier, it looks 16:02:13  
7 like sometimes you acted proactively and 16:02:15  
8 crunched numbers in a way and would pass that 16:02:17  
9 on to someone; is that correct? 16:02:19  
10 A. Correct. 16:02:20  
11 MR. O'CONNOR: Objection. 16:02:21  
12 QUESTIONS BY MS. HERZFELD: 16:02:22  
13 Q. Okay. So looking at this 16:02:23  
14 e-mail, it says, "Based on the report we get 16:02:24  
15 for suspicious order monitoring, below are 16:02:26  
16 the averages -- are the average pharmacy 16:02:28  
17 dispensing units for the 15-milligram and 16:02:32  
18 30-milligram combined." 16:02:35  
19 Do you see where it says that? 16:02:36  
20 A. Yes. 16:02:37  
21 Q. Okay. And then kind of moving 16:02:38  
22 forward, it says, "By any standard it appears 16:02:40  
23 5,000 tablets is too low." 16:02:42  
24 What did you mean by that? 16:02:44  
25 A. When I'm looking at this, the 16:02:45

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1 average is well above 5,000 units, so I 16:02:50  
2 assume that they were probably trying to set 16:02:53  
3 a standard. And I was saying that 5,000 is 16:02:54  
4 too low based on that standard. 16:02:57  
5 Q. Okay. So I'm going to back up 16:02:58  
6 a little bit and just make sure that I fully 16:03:00  
7 understand it because I'm struggling just a 16:03:02  
8 tiny bit. 16:03:05  
9 Okay. So when you're looking 16:03:05  
10 at the -- it's dispensing units, is that 16:03:08  
11 right, DISP? 16:03:10  
12 A. Right. 16:03:11  
13 Q. Okay. And so does that stand 16:03:12  
14 for tablets or bottles, or what is a 16:03:13  
15 dispensing unit? 16:03:15  
16 A. In this -- 16:03:16  
17 MR. O'CONNOR: Objection to the 16:03:16  
18 form. 16:03:16  
19 THE WITNESS: In this context I 16:03:16  
20 would think that it's tablets. It 16:03:21  
21 doesn't say, but I refer to tablets 16:03:22  
22 later on. In looking at these 16:03:23  
23 numbers, it looks like it could refer 16:03:25  
24 to the tablets. 16:03:27  
25

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1 QUESTIONS BY MS. HERZFELD: 16:03:28  
2 Q. Okay. And so when you're 16:03:28  
3 looking here, this looks like it is for, what 16:03:30  
4 is it, a month? For a year? Do you know 16:03:34  
5 what the time period is? 16:03:35  
6 A. No, I do not. 16:03:36  
7 Q. Okay. And so looking at this, 16:03:37  
8 it looks like it's oxy 15 and oxy 30, 16:03:39  
9 according to your e-mail here; is that right? 16:03:42  
10 A. Yes. 16:03:44  
11 Q. Okay. And it's for pharmacies 16:03:45  
12 purchasing from two or more distributors; is 16:03:47  
13 that right? 16:03:49  
14 A. Yes. 16:03:49  
15 Q. Okay. And it says, "I will ask 16:03:51  
16 if they can expand the report to include all 16:03:54  
17 oxy sales." 16:03:56  
18 What other oxy sales would be 16:03:58  
19 included that are not included here? 16:04:00  
20 A. Oxy 5 milligram. 16:04:02  
21 Q. Okay. Is that what you're 16:04:04  
22 referring to that's excluded? 16:04:05  
23 A. Yes. 16:04:06  
24 Q. Okay. "And so by any standard 16:04:07  
25 it appears that 5,000 tablets is too low." 16:04:11



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1 So do you know what the goal 16:04:14  
2 was of this chart? 16:04:15  
3 MR. O'CONNOR: Objection to 16:04:18  
4 form. 16:04:19  
5 THE WITNESS: I don't recall. 16:04:19  
6 QUESTIONS BY MS. HERZFELD: 16:04:20  
7 Q. Okay. And you said before -- I 16:04:20  
8 think you said something about setting 16:04:21  
9 standards. 16:04:23  
10 What did you mean by that? 16:04:23  
11 A. Setting standards on -- it says 16:04:25  
12 "by any standard." I don't know what 16:04:28  
13 standard they were looking for, but it says 16:04:30  
14 in here looking at -- if they're looking at 16:04:31  
15 5,000 to make that a benchmark, that's below 16:04:34  
16 most of these numbers. 16:04:37  
17 Q. Okay. And when you say 16:04:38  
18 "benchmark," I guess I'm trying to figure out 16:04:39  
19 a benchmark for what. A benchmark for sales? 16:04:42  
20 A. I don't recall. 16:04:45  
21 Q. Target sales? 16:04:46  
22 A. I have no idea. I don't know 16:04:48  
23 if this is in relation to setting any -- the 16:04:49  
24 suspicious order monitoring baseline to 16:04:52  
25 trigger part of their algorithms. Because 16:04:54

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1 they were looking at changing how they were 16:04:56  
2 doing their algorithms, so it could have been 16:04:58  
3 part of that. It could have been part of 16:04:59  
4 sales. It could have been anything. 16:05:01  
5 Q. Okay. And Michael Gunning, 16:05:02  
6 what did you typically communicate with him 16:05:04  
7 about? Was it suspicious order monitoring or 16:05:06  
8 sales? 16:05:08  
9 A. Typically I would communicate 16:05:09  
10 with him about forecast and employee issues. 16:05:11  
11 Q. Forecast and employee issues. 16:05:15  
12 Okay. 16:05:15  
13 So when you say "forecast," 16:05:15  
14 that would be sales; is that right? 16:05:17  
15 A. Yes. 16:05:18  
16 Q. Okay. So if you were sending 16:05:19  
17 something to Michael Gunning in your 16:05:21  
18 position, and typically you dealt with him 16:05:24  
19 about sales, it's likely that this chart here 16:05:26  
20 would have to do with sales; is that right? 16:05:29  
21 MR. O'CONNOR: Objection. 16:05:31  
22 Form. 16:05:32  
23 THE WITNESS: That's a reach. 16:05:32  
24 QUESTIONS BY MS. HERZFELD: 16:05:34  
25 Q. That's a reach. Okay. 16:05:34

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1 Do you have any specific 16:05:36  
2 knowledge of communicating with him about 16:05:36  
3 suspicious order monitoring target numbers? 16:05:38  
4 A. Well, this relates to a 16:05:39  
5 suspicious order monitoring report that we 16:05:44  
6 received. 16:05:46  
7 Q. Okay. 16:05:46  
8 A. And so it's referring to 16:05:46  
9 dispensing units. 16:05:48  
10 Q. Okay. 16:05:49  
11 A. When I'm looking at sales, I'm 16:05:49  
12 not looking at dispensing units. I'm usually 16:05:53  
13 look at dollars -- 16:05:55  
14 Q. Okay. 16:05:56  
15 A. -- and units sold to 16:05:56  
16 wholesalers -- 16:05:57  
17 Q. Okay. 16:05:58  
18 A. -- and distributors. 16:05:58  
19 Q. Okay. So based on that, you 16:06:00  
20 think this is based on suspicious order 16:06:01  
21 monitoring levels? 16:06:02  
22 MR. O'CONNOR: Object to form. 16:06:05  
23 THE WITNESS: I cannot say 16:06:07  
24 definitively, yes, it is. That would 16:06:08  
25 be drawing a conclusion, and I don't 16:06:11

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1 know, and I don't recollect. 16:06:12  
2 QUESTIONS BY MS. HERZFELD: 16:06:13  
3 Q. Okay. But if you had to guess, 16:06:14  
4 do you think that's what it is? 16:06:17  
5 MR. O'CONNOR: Objection to 16:06:18  
6 form. 16:06:19  
7 THE WITNESS: I would think 16:06:20  
8 that it might have something to do 16:06:21  
9 with that. 16:06:22  
10 QUESTIONS BY MS. HERZFELD: 16:06:23  
11 Q. Okay. Very good. 16:06:23  
12 Looking at this, it says on 16:06:24  
13 state average, right? California average, 16:06:30  
14 Florida average, Georgia average; is that 16:06:32  
15 right? 16:06:34  
16 A. Yes. 16:06:34  
17 Q. Okay. And do you know if those 16:06:35  
18 are pharmacy-level oxy units per month? 16:06:36  
19 MR. O'CONNOR: Objection to 16:06:39  
20 form. 16:06:41  
21 THE WITNESS: There's no way to 16:06:41  
22 tell without some context. 16:06:42  
23 QUESTIONS BY MS. HERZFELD: 16:06:43  
24 Q. Okay. And it says, 16:06:43  
25 "Tennessee's average here is 14,100 tablets"; 16:06:44

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<p>1 is that correct? 16:06:51</p> <p>2 A. Yes. 16:06:51</p> <p>3 Q. Okay. And could you tell from 16:06:51</p> <p>4 that, from this chart, if Tennessee was 16:06:52</p> <p>5 considered high or low? 16:06:56</p> <p>6 MR. O'CONNOR: Objection to 16:06:57</p> <p>7 form. 16:06:57</p> <p>8 THE WITNESS: I cannot tell 16:06:58</p> <p>9 that because I wouldn't know what the 16:06:58</p> <p>10 medical needs or the population was of 16:07:03</p> <p>11 Tennessee -- 16:07:05</p> <p>12 QUESTIONS BY MS. HERZFELD: 16:07:06</p> <p>13 Q. Okay. 16:07:06</p> <p>14 A. -- so I wouldn't know that. 16:07:07</p> <p>15 Q. And are those things that are 16:07:08</p> <p>16 important for you to determine if someone's 16:07:09</p> <p>17 oxy numbers are high or low, is 16:07:11</p> <p>18 population or -- what was the other thing you 16:07:16</p> <p>19 said? 16:07:17</p> <p>20 A. Or medical needs. 16:07:17</p> <p>21 Q. Medical needs? 16:07:18</p> <p>22 MR. O'CONNOR: Objection. 16:07:18</p> <p>23 Form. 16:07:19</p> <p>24 THE WITNESS: I wouldn't have 16:07:19</p> <p>25 any way to know that, so I couldn't 16:07:20</p>	<p>1 there's a higher population in that 16:08:06</p> <p>2 concentration, in that area, and so there's 16:08:10</p> <p>3 more people coming to that pharmacy or that 16:08:12</p> <p>4 area because it's a higher population and it 16:08:14</p> <p>5 borders on other states. 16:08:16</p> <p>6 Q. Okay. And so you've just given 16:08:17</p> <p>7 two different examples of information that 16:08:19</p> <p>8 you don't know when assessing the number of 16:08:22</p> <p>9 oxy that are going to a particular area. 16:08:25</p> <p>10 Why did you choose those two? 16:08:28</p> <p>11 A. Those are the first two that 16:08:30</p> <p>12 come to mind. 16:08:33</p> <p>13 Q. Okay. And where did you -- 16:08:33</p> <p>14 where did you develop that knowledge of 16:08:35</p> <p>15 things you should look for in oxy 16:08:36</p> <p>16 prescriptions going to a specific area? 16:08:39</p> <p>17 MR. O'CONNOR: Objection to 16:08:40</p> <p>18 form. 16:08:41</p> <p>19 THE WITNESS: I didn't develop 16:08:41</p> <p>20 that knowledge. You asked me a 16:08:42</p> <p>21 question, and I responded to your 16:08:44</p> <p>22 question, so with what I would think 16:08:45</p> <p>23 top of mind. 16:08:47</p> <p>24 QUESTIONS BY MS. HERZFELD: 16:08:48</p> <p>25 Q. Okay. So you came up with that 16:08:48</p>
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<p>1 use that in any decision-making 16:07:23</p> <p>2 anyway. 16:07:24</p> <p>3 QUESTIONS BY MS. HERZFELD: 16:07:25</p> <p>4 Q. Okay. But is that some -- is 16:07:25</p> <p>5 that information you would like to know, the 16:07:27</p> <p>6 population of a particular area? 16:07:29</p> <p>7 MR. O'CONNOR: Objection to 16:07:30</p> <p>8 form. 16:07:31</p> <p>9 THE WITNESS: It wouldn't help, 16:07:31</p> <p>10 so, no, I wouldn't need to know that. 16:07:35</p> <p>11 QUESTIONS BY MS. HERZFELD: 16:07:37</p> <p>12 Q. Okay. It wouldn't help what? 16:07:38</p> <p>13 A. I'm sorry. It wouldn't help 16:07:39</p> <p>14 why? 16:07:43</p> <p>15 Q. Yes, ma'am. 16:07:44</p> <p>16 A. Oh. It wouldn't help because I 16:07:44</p> <p>17 have no idea why the prescriptions are being 16:07:46</p> <p>18 dispensed or being written for, so I cannot 16:07:49</p> <p>19 make a judgment on somebody's medical 16:07:51</p> <p>20 condition that I do not know and that I have 16:07:54</p> <p>21 not seen come into a pharmacy. I'm not there 16:07:55</p> <p>22 physically in a pharmacy, so I have no idea 16:07:58</p> <p>23 what's going on in that region. 16:07:59</p> <p>24 And I also have no idea does it 16:08:01</p> <p>25 border next to another state that they -- 16:08:04</p>	<p>1 information on your own. You didn't have 16:08:50</p> <p>2 that in a discussion in like a suspicious 16:08:52</p> <p>3 order monitoring team meeting or anyplace 16:08:55</p> <p>4 else? 16:08:57</p> <p>5 MR. O'CONNOR: Objection. 16:08:57</p> <p>6 Form. 16:08:58</p> <p>7 THE WITNESS: Not that I'm 16:08:58</p> <p>8 aware of. 16:08:58</p> <p>9 QUESTIONS BY MS. HERZFELD: 16:08:58</p> <p>10 Q. Okay. Do you recall ever being 16:08:59</p> <p>11 in a suspicious order monitoring team meeting 16:09:00</p> <p>12 where factors relating to the volume of oxy 16:09:03</p> <p>13 prescriptions going to a particular area were 16:09:09</p> <p>14 discussed? 16:09:10</p> <p>15 A. We had discussions about 16:09:11</p> <p>16 Florida. 16:09:16</p> <p>17 Q. Okay. 16:09:17</p> <p>18 A. I do remember that discussion. 16:09:17</p> <p>19 Q. Okay. And what types of things 16:09:19</p> <p>20 were discussed in relation to Florida? 16:09:21</p> <p>21 A. That Florida had a problem with 16:09:24</p> <p>22 pain clinics and that they hadn't implemented 16:09:26</p> <p>23 any legislation to shut down the pain 16:09:30</p> <p>24 clinics. 16:09:35</p> <p>25 Q. Okay. Anything else that you 16:09:35</p>

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1 recall? 16:09:37  
 2 A. That's all -- that's all I 16:09:37  
 3 remember. 16:09:39  
 4 Q. Okay. Do you recall ever being 16:09:39  
 5 involved in a conversation with anyone during 16:09:42  
 6 your time at Mallinckrodt where anyone 16:09:43  
 7 mentioned that oxy from Florida were going to 16:09:45  
 8 Tennessee? 16:09:47  
 9 MR. O'CONNOR: Objection to 16:09:48  
 10 form. 16:09:49  
 11 THE WITNESS: I don't remember 16:09:50  
 12 specifically them saying any state. I 16:09:51  
 13 do remember them saying they would 16:09:53  
 14 come up Highway 95. And I have no 16:09:55  
 15 idea if that even goes through 16:09:57  
 16 Tennessee or not. 16:09:59  
 17 QUESTIONS BY MS. HERZFELD: 16:10:00  
 18 Q. Okay. Could it have been 16:10:00  
 19 Highway 75? 16:10:01  
 20 MR. O'CONNOR: Objection. 16:10:02  
 21 Form. 16:10:02  
 22 THE WITNESS: I thought they 16:10:02  
 23 said 95, but I don't remember. 16:10:04  
 24 QUESTIONS BY MS. HERZFELD: 16:10:05  
 25 Q. And did you ever hear about a 16:10:05

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1 particular problem with oxy in West Virginia 16:10:07  
 2 or Appalachia region? 16:10:10  
 3 MR. O'CONNOR: Objection to 16:10:13  
 4 form. 16:10:14  
 5 THE WITNESS: I remember seeing 16:10:14  
 6 something about there was a problem in 16:10:15  
 7 the coal mining town. 16:10:17  
 8 QUESTIONS BY MS. HERZFELD: 16:10:18  
 9 Q. Okay. Do you remember where 16:10:19  
 10 you saw that? 16:10:20  
 11 A. On -- I believe it was a news 16:10:21  
 12 show. 16:10:25  
 13 Q. Okay. And do you think that 16:10:25  
 14 was during your time of employment at 16:10:26  
 15 Mallinckrodt? 16:10:28  
 16 A. Yes. 16:10:29  
 17 Q. Okay. And did you do anything 16:10:30  
 18 in response to learning that information? 16:10:32  
 19 A. No. 16:10:34  
 20 Q. Okay. Okay. Marking the next 16:10:36  
 21 document here. I'm not sure this one -- 16:10:51  
 22 A. I think -- but wait a minute. 16:10:54  
 23 I think I should clarify. What did you mean, 16:10:55  
 24 did I do anything in response to that 16:10:57  
 25 information? Because I could have done a lot 16:10:58

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1 of things. 16:11:00  
 2 But did you mean did I do 16:11:00  
 3 anything at Mallinckrodt, go back to 16:11:02  
 4 Mallinckrodt and talk to them about the show 16:11:03  
 5 that I saw? 16:11:04  
 6 Q. Did you do anything in response 16:11:05  
 7 to that? Did watching that show or learning 16:11:07  
 8 that information, did that make you take any 16:11:10  
 9 steps in your personal or professional life? 16:11:13  
 10 MR. O'CONNOR: Object to form. 16:11:17  
 11 THE WITNESS: In my personal or 16:11:20  
 12 professional life? 16:11:22  
 13 QUESTIONS BY MS. HERZFELD: 16:11:22  
 14 Q. Yes, ma'am. 16:11:23  
 15 A. I don't recall if it did. 16:11:23  
 16 Q. Okay. So you thought it was 16:11:24  
 17 important to clarify that point, so I just 16:11:25  
 18 want to -- 16:11:26  
 19 A. Okay. 16:11:26  
 20 Q. I want to be clear, okay? 16:11:27  
 21 So let's kind of back up, and 16:11:28  
 22 I'll try to make sure I'm understanding you. 16:11:30  
 23 A. Okay. 16:11:30  
 24 Q. So you said you'd seen a show 16:11:33  
 25 that had talked about -- somewhere on coal 16:11:34

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1 mining, problems with OxyContin or oxycodone 16:11:35  
 2 in a coal mining area, in a coal mining town. 16:11:38  
 3 Am I right on that? 16:11:41  
 4 MR. O'CONNOR: Objection to the 16:11:42  
 5 form. 16:11:44  
 6 THE WITNESS: I don't remember 16:11:44  
 7 about it being any specific products. 16:11:44  
 8 I remember that there was a problem in 16:11:46  
 9 coal mining towns with drug abuse. 16:11:47  
 10 QUESTIONS BY MS. HERZFELD: 16:11:49  
 11 Q. Okay. Do you remember it being 16:11:50  
 12 opioid abuse? 16:11:51  
 13 A. I don't remember. 16:11:51  
 14 Q. Okay. And so based on that 16:11:53  
 15 show that you saw at the time that you were 16:11:55  
 16 employed at Mallinckrodt, did you take any 16:11:57  
 17 steps in your job at Mallinckrodt to focus on 16:11:59  
 18 coal mining areas? 16:12:04  
 19 A. No, I did not. 16:12:06  
 20 Q. Okay. Did you talk to anybody 16:12:07  
 21 at Mallinckrodt about that show you saw? 16:12:09  
 22 A. No, I did not. 16:12:11  
 23 Q. Did you send any e-mails? 16:12:11  
 24 A. No, I did not. 16:12:13  
 25 Q. Did you take any steps as part 16:12:14

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1 of your position in the suspicious order 16:12:15  
 2 monitoring team to monitor coal mining areas 16:12:18  
 3 for prescription abuse? 16:12:21  
 4 MS. HERZFELD: Objection to 16:12:22  
 5 form. 16:12:23  
 6 THE WITNESS: My role in the 16:12:23  
 7 suspicious order monitoring team was 16:12:25  
 8 peripheral. I was not part of the 16:12:27  
 9 core team that established the policy 16:12:28  
 10 or understood the government acts. 16:12:30  
 11 QUESTIONS BY MS. HERZFELD: 16:12:33  
 12 Q. Okay. My question is: Did you 16:12:33  
 13 take any steps in your role as being even on 16:12:34  
 14 the periphery of the suspicious order 16:12:37  
 15 monitoring team to monitor coal mining areas 16:12:39  
 16 for prescription abuse? 16:12:41  
 17 A. No. 16:12:43  
 18 Q. Okay. What about in your 16:12:44  
 19 personal life? Did you send anybody an 16:12:46  
 20 e-mail about, "Hey, I saw this show"? 16:12:48  
 21 A. No. 16:12:51  
 22 Q. Okay. Did you have any 16:12:51  
 23 discussions with anybody about the show? 16:12:52  
 24 A. Not that I recall. 16:12:54  
 25 Q. Okay. Did you take any steps 16:12:55

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1 because you saw that show? 16:12:57  
 2 A. Not that I recall. 16:12:58  
 3 Q. Okay. So we're moving on to 16:13:01  
 4 the next document here. This one may already 16:13:03  
 5 be an exhibit. I'm not 100 percent positive, 16:13:06  
 6 so I apologize if I'm doubling up. 16:13:08  
 7 (Mallinckrodt-Collier Exhibit 16:13:10  
 8 39 marked for identification.) 16:13:10  
 9 MS. HERZFELD: For those on the 16:13:20  
 10 phone, it's MNK\_TNSTA05296154. 16:13:20  
 11 QUESTIONS BY MS. HERZFELD: 16:13:29  
 12 Q. Do you recognize this document, 16:13:42  
 13 ma'am? 16:13:44  
 14 A. No, I do not. 16:13:44  
 15 Q. Okay. What does it appear to 16:13:47  
 16 be? 16:13:53  
 17 A. It appears that the people that 16:13:53  
 18 are core members of the SOM team, this was 16:13:57  
 19 the meeting and they were -- this was the 16:13:59  
 20 agenda for the meeting. 16:14:01  
 21 Q. Okay. And this would have been 16:14:02  
 22 for the core team, not for people on the 16:14:03  
 23 periphery? 16:14:06  
 24 A. I would assume so. 16:14:07  
 25 Q. Okay. You didn't attend this 16:14:10

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1 meeting? 16:14:12  
 2 A. Not that I recall. 16:14:12  
 3 Q. Okay. Very good. Moving on. 16:14:13  
 4 Okay. And I think before, we 16:14:18  
 5 talked about you were involved in the 16:14:23  
 6 indirect customer review subteam; is that 16:14:26  
 7 correct? 16:14:29  
 8 MR. O'CONNOR: Objection to 16:14:29  
 9 form. 16:14:30  
 10 THE WITNESS: Yes. 16:14:30  
 11 QUESTIONS BY MS. HERZFELD: 16:14:31  
 12 Q. Okay. And what did the 16:14:31  
 13 indirect customer review subteam do? 16:14:33  
 14 A. That was the team that -- which 16:14:36  
 15 we were providing additional information 16:14:40  
 16 about chargebacks, if they wanted to know how 16:14:41  
 17 were chargebacks run or generated. 16:14:44  
 18 Q. Okay. And you were providing 16:14:46  
 19 that information to whom? 16:14:50  
 20 A. To the suspicious order 16:14:52  
 21 monitoring team. 16:14:55  
 22 Q. And that would be the core 16:14:56  
 23 folks on that team? 16:14:58  
 24 A. Correct. 16:14:59  
 25 Q. Okay. So you were kind of the 16:15:00

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1 number crunchers explaining things to the 16:15:01  
 2 team that was the core part of the suspicious 16:15:04  
 3 order monitoring team? 16:15:06  
 4 MR. O'CONNOR: Objection to 16:15:06  
 5 form. 16:15:08  
 6 THE WITNESS: Correct. 16:15:08  
 7 QUESTIONS BY MS. HERZFELD: 16:15:09  
 8 Q. Okay. And do you know who else 16:15:09  
 9 was a member of the indirect customer review 16:15:12  
 10 subteam? 16:15:14  
 11 A. I don't recall. 16:15:15  
 12 Q. Okay. 16:15:29  
 13 (Mallinckrodt-Collier Exhibits 16:15:29  
 14 40 and 41 marked for identification.) 16:15:37  
 15 QUESTIONS BY MR. GOTTO: 16:15:37  
 16 Q. Okay. I'm going to hand you 16:15:37  
 17 two different documents, but I will submit to 16:15:38  
 18 you that one is an e-mail and the other one 16:15:41  
 19 is an attachment to the e-mail. Okay? Just 16:15:42  
 20 so everybody knows what I'm doing here. 16:15:44  
 21 MS. HERZFELD: The e-mail is 16:15:55  
 22 MNK-T1\_0007251678. 16:15:56  
 23 And we're separately going to 16:16:14  
 24 mark the next one, which is 16:16:16  
 25 MNK-T1\_0007251679. 16:16:26



<p style="text-align: right;">Page 298</p> <p>1 QUESTIONS BY MS. HERZFELD: 16:16:49</p> <p>2 Q. Okay. If you'll take a look at 16:16:49</p> <p>3 the e-mail for me, please, ma'am, Exhibit 40. 16:16:51</p> <p>4 This appears to be an e-mail 16:16:58</p> <p>5 from Debbie Digby to Karen Harper, you and 16:16:59</p> <p>6 some other folks; is that correct? 16:17:03</p> <p>7 A. Correct. 16:17:05</p> <p>8 Q. Okay. And the subject is 16:17:06</p> <p>9 "forward April indirect suspicious order 16:17:09</p> <p>10 monitoring reports." 16:17:11</p> <p>11 Did I read that correctly? 16:17:12</p> <p>12 A. Yes. 16:17:13</p> <p>13 Q. Okay. And then the date it was 16:17:14</p> <p>14 sent was May 31, 2011; is that right? 16:17:16</p> <p>15 A. Correct. 16:17:18</p> <p>16 Q. Okay. And on -- I think we 16:17:19</p> <p>17 already talked about who Debbie Digby was. 16:17:22</p> <p>18 Karen Harper has been discussed. 16:17:25</p> <p>19 Who is Suzanne Pea? 16:17:27</p> <p>20 A. I believe Suzanne Pea was 16:17:30</p> <p>21 involved in chargebacks. 16:17:37</p> <p>22 Q. Okay. Was there a specific 16:17:38</p> <p>23 department for chargebacks? 16:17:39</p> <p>24 A. There was a contract admin 16:17:40</p> <p>25 team. 16:17:42</p>	<p style="text-align: right;">Page 300</p> <p>1 A. Yes. 16:18:31</p> <p>2 Q. Okay. And if you'll turn with 16:18:31</p> <p>3 me then to the attachment, the one that ended 16:18:33</p> <p>4 Bates number 1679 on the top. 16:18:37</p> <p>5 Okay. Now looking at the top 16:18:40</p> <p>6 of this it says, "Customer sourcing oxy 15 16:18:49</p> <p>7 and 30 from more than two distributors." 16:18:52</p> <p>8 Did I read that correctly? 16:18:55</p> <p>9 A. Yes. 16:18:57</p> <p>10 Q. Right there. Yeah, and right 16:18:58</p> <p>11 here at the top, if you look right there. 16:18:59</p> <p>12 A. It says, "Customer sourcing oxy 16:19:01</p> <p>13 15, 30 from all distributors." 16:19:05</p> <p>14 Q. Oh, you're right. It does. 16:19:06</p> <p>15 That is correct. 16:19:07</p> <p>16 Did you create this document? 16:19:08</p> <p>17 A. No, I did not. 16:19:09</p> <p>18 Q. Okay. And were you responsible 16:19:11</p> <p>19 for maintaining it? 16:19:12</p> <p>20 A. No, I was not. 16:19:13</p> <p>21 Q. Okay. Did you use the 16:19:14</p> <p>22 information that was contained within this 16:19:16</p> <p>23 document to assist you with your -- to assist 16:19:20</p> <p>24 you with your job duties? 16:19:25</p> <p>25 A. No, I did not. 16:19:27</p>
<p style="text-align: right;">Page 299</p> <p>1 Q. Okay. 16:17:42</p> <p>2 A. Contract administration. 16:17:42</p> <p>3 Q. And do you know who was part of 16:17:44</p> <p>4 that team? 16:17:47</p> <p>5 A. Carol actually was. I thought 16:17:47</p> <p>6 she was customer service, but she was part of 16:17:53</p> <p>7 the contract administration team. 16:17:56</p> <p>8 Q. Okay. Do you recall anybody 16:17:57</p> <p>9 else who was a member of that team? 16:17:58</p> <p>10 A. No. 16:17:59</p> <p>11 Q. Okay. And so here it looks 16:18:00</p> <p>12 like "all attached are the April monthly SOM 16:18:02</p> <p>13 reports." 16:18:06</p> <p>14 SOM there stands for suspicious 16:18:07</p> <p>15 order monitoring; is that right? 16:18:13</p> <p>16 A. Yes. 16:18:13</p> <p>17 Q. And then it looks like there's 16:18:13</p> <p>18 customer service -- or I'm sorry. Number one 16:18:16</p> <p>19 is customer sourcing of greater than two 16:18:18</p> <p>20 distributors; two, state concentration 16:18:21</p> <p>21 report; and three, summary report by 16:18:23</p> <p>22 distributor compared to all products 16:18:25</p> <p>23 distributed, one for oxy and one for hydro 16:18:27</p> <p>24 APAP. 16:18:29</p> <p>25 Did I read that correctly? 16:18:30</p>	<p style="text-align: right;">Page 301</p> <p>1 Q. Okay. And why did you receive 16:19:28</p> <p>2 this information? 16:19:29</p> <p>3 A. Just so I had general 16:19:30</p> <p>4 knowledge. 16:19:33</p> <p>5 Q. Okay. And why was it important 16:19:34</p> <p>6 for you to have general knowledge? 16:19:36</p> <p>7 MR. O'CONNOR: Objection to 16:19:38</p> <p>8 form. 16:19:38</p> <p>9 THE WITNESS: Most items that 16:19:39</p> <p>10 affected the customers or the 16:19:41</p> <p>11 products, I was part of the 16:19:45</p> <p>12 information trail. 16:19:46</p> <p>13 QUESTIONS BY MS. HERZFELD: 16:19:47</p> <p>14 Q. Okay. And what do you mean, 16:19:47</p> <p>15 "information trail"? 16:19:49</p> <p>16 A. If there was any communication 16:19:49</p> <p>17 about the customers or the products, so that 16:19:51</p> <p>18 I wouldn't be blindsided, I would have that 16:19:55</p> <p>19 information at some point. They would share 16:19:57</p> <p>20 that information with me. 16:19:58</p> <p>21 I also was part of the 16:19:59</p> <p>22 peripheral that helped them understand 16:20:01</p> <p>23 chargebacks, and so it may have been that 16:20:04</p> <p>24 they need me to have knowledge of this report 16:20:06</p> <p>25 in case they had further questions on it. 16:20:08</p>

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1 But I was at that point no 16:20:10  
 2 longer involved in doing any assistance on 16:20:12  
 3 this level. This was Debbie. 16:20:14  
 4 Q. Okay. When you say "assistance 16:20:17  
 5 on this level," what do you mean? 16:20:19  
 6 A. Running these types of reports. 16:20:20  
 7 Q. Okay. Debbie was doing that? 16:20:22  
 8 A. Yes. 16:20:23  
 9 Q. Okay. And what was Debbie's 16:20:23  
 10 position? 16:20:25  
 11 A. She was a senior analyst. 16:20:25  
 12 Q. Okay. And so if you were 16:20:28  
 13 forwarded these reports, would you read them 16:20:30  
 14 and crunch the numbers? 16:20:32  
 15 MR. O'CONNOR: Objection to 16:20:34  
 16 form. 16:20:35  
 17 THE WITNESS: I have no idea 16:20:36  
 18 what I'd do with them, if I ever did 16:20:38  
 19 that. 16:20:41  
 20 QUESTIONS BY MS. HERZFELD: 16:20:41  
 21 Q. Okay. Do you know if someone 16:20:42  
 22 was responsible for looking at these reports 16:20:42  
 23 to make a determination if an order appeared 16:20:44  
 24 suspicious? 16:20:47  
 25 A. That would be suspicious order 16:20:47

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1 monitoring team. 16:20:52  
 2 Q. Okay. And so nobody ever told 16:20:52  
 3 you the purpose as to why you received this 16:20:54  
 4 report? 16:20:56  
 5 A. For information. 16:20:57  
 6 Q. Okay. And the information that 16:20:59  
 7 I have says you're the custodian of this 16:21:01  
 8 report. 16:21:03  
 9 Do you know why it's in your 16:21:03  
 10 custodian file? 16:21:04  
 11 A. I have no idea. I don't know 16:21:06  
 12 what they meant by that. 16:21:07  
 13 Q. Okay. Do you know when 16:21:10  
 14 Mallinckrodt began monitoring customers that 16:21:12  
 15 sourced from more than one distributor? 16:21:17  
 16 MR. O'CONNOR: Objection to the 16:21:20  
 17 form. 16:21:21  
 18 THE WITNESS: That was stated 16:21:21  
 19 earlier, that it was after Sunrise 16:21:24  
 20 Medical. 16:21:26  
 21 QUESTIONS BY MS. HERZFELD: 16:21:26  
 22 Q. Okay. But that didn't occur 16:21:26  
 23 before Sunrise Medical; is that correct? 16:21:28  
 24 A. No. 16:21:29  
 25 Q. Okay. 16:21:31

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1 A. Not within my group, it was 16:21:32  
 2 not. 16:21:35  
 3 Q. Okay. But you're familiar with 16:21:35  
 4 how to read chargeback data; is that correct, 16:21:36  
 5 ma'am? 16:21:41  
 6 A. It is not my expertise, but I 16:21:41  
 7 am familiar with it, yes. 16:21:43  
 8 Q. Okay. So if you'll switch with 16:21:44  
 9 me to the -- I'm sorry, there's no page 16:21:45  
 10 numbers here. 16:21:47  
 11 A. You can give me the line number 16:21:49  
 12 on the left. 16:21:51  
 13 Q. 2352 is the very bottom. This 16:21:52  
 14 one, actually, believe it or not, says 16:22:00  
 15 page 1. Right here it says page 1. Yep, 16:22:02  
 16 right there. 16:22:04  
 17 A. Here? Okay. 16:22:04  
 18 Q. Yep. 16:22:05  
 19 Okay. Do you see where I'm at? 16:22:06  
 20 A. Yes. 16:22:07  
 21 Q. Okay. So I will represent to 16:22:08  
 22 you that we've sorted this database that 16:22:11  
 23 we've received, this spreadsheet by 16:22:13  
 24 Tennessee, so I would let you know that this 16:22:15  
 25 has been sorted by Tennessee. 16:22:17

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1 Okay? 16:22:18  
 2 A. Okay. 16:22:19  
 3 Q. So looking at this, I just want 16:22:19  
 4 to go through and look at some of the numbers 16:22:22  
 5 here for Tennessee to see if I can understand 16:22:24  
 6 it. 16:22:27  
 7 If you could go with me, 16:22:28  
 8 please -- okay. So the first one on this 16:22:42  
 9 spreadsheet appears to be Lowe's Drug in 16:22:44  
 10 Maryville, Tennessee; is that correct? 16:22:48  
 11 A. Yes. 16:22:50  
 12 Q. Okay. And it has a ZIP code 16:22:51  
 13 there, and it says that it sold the apparent 16:22:53  
 14 customer name Cardinal Health. 16:22:57  
 15 Would that be the distributor? 16:22:58  
 16 A. Yes. 16:22:59  
 17 Q. Okay. And then it says, "gross 16:22:59  
 18 sales, 19,934.4." 16:23:01  
 19 Do you know if that's meant to 16:23:06  
 20 be dollars or units? 16:23:08  
 21 A. That's dollars. 16:23:09  
 22 Q. That's dollars. Okay. 16:23:11  
 23 And then it says, "DISP 16:23:12  
 24 units" -- I'm guessing that's dispensing 16:23:15  
 25 units -- "62,000." 16:23:19

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<p>1 Do you know what the dispensing 16:23:19  2 units are here? 16:23:21  3 A. That would be tablets. 16:23:21  4 Q. Tablets. Okay. 16:23:22  5 And do you happen to know the 16:23:24  6 population of Maryville, Tennessee? 16:23:26  7 A. I have no clue. 16:23:28  8 Q. Okay. And then looking at the 16:23:31  9 next one, Food City in Knoxville, Tennessee, 16:23:34  10 DBS Trading, that's Masters Pharmaceuticals, 16:23:38  11 and then gross sales there at 8,068 and then 16:23:41  12 dispensing units 40,000; is that correct? 16:23:44  13 A. Correct. 16:23:47  14 Q. Okay. And so I guess I want to 16:23:48  15 make sure I really understand the chargeback 16:23:50  16 data. 16:23:52  17 Gross sales, is that how much 16:23:52  18 money Mallinckrodt gets after the chargeback? 16:23:56  19 A. That is the sale -- yes, after 16:24:00  20 the chargeback, but not including any 16:24:04  21 rebates, fees, discounts or allowances. 16:24:07  22 Q. Okay. Okay. So then if you'll 16:24:10  23 go with me the third one that is labeled 225, 16:24:13  24 Riggs Drugs in La Follette, Tennessee. 16:24:16  25 Cardinal Health, \$10,855.84, and 38,000 DISP 16:24:19</p>	<p>1 Q. Okay. Did you ever hear of 16:25:02  2 anybody talking about, "Hey, maybe we should 16:25:03  3 be looking at different population numbers 16:25:06  4 for where pills are going"? 16:25:07  5 MR. O'CONNOR: Objection. 16:25:08  6 THE WITNESS: Not that I'm 16:25:09  7 aware of. 16:25:10  8 QUESTIONS BY MS. HERZFELD: 16:25:10  9 Q. Okay. At any point in your 16:25:10  10 time at Mallinckrodt were you trained to 16:25:17  11 recognize various signs of diversion? 16:25:19  12 A. The only thing that we were 16:25:22  13 made aware of is that -- if there were 16:25:24  14 unusually large orders or peculiar orders. 16:25:26  15 Q. Okay. And how can you tell if 16:25:28  16 something is an unusually large order, 16:25:30  17 according to your training? 16:25:32  18 A. From what -- I wouldn't have 16:25:34  19 visibility to the orders, so I wouldn't know 16:25:37  20 if something was an unusually large order or 16:25:39  21 suspicious -- I say "peculiar" only because 16:25:43  22 we used the word "peculiar" today. But it 16:25:46  23 would be if something was -- they were 16:25:49  24 ordering too frequently, too often, compared 16:25:50  25 to what they usually did. They were ordering 16:25:52</p>
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<p>1 units, dispensing units. 16:24:27  2 Did I read that correctly? 16:24:29  3 A. Yes. 16:24:30  4 Q. Okay. Do you know what the 16:24:31  5 population is of La Follette, Tennessee? 16:24:33  6 A. No. 16:24:36  7 Q. Okay. And do you know if 16:24:38  8 someone was responsible for looking at the 16:24:38  9 population of these various locations? 16:24:41  10 MR. O'CONNOR: Objection to 16:24:43  11 form. 16:24:44  12 THE WITNESS: I don't know 16:24:44  13 anybody that would do that, that would 16:24:45  14 have time to do that. 16:24:49  15 QUESTIONS BY MS. HERZFELD: 16:24:50  16 Q. Okay. Was that anything that 16:24:50  17 was ever discussed in a suspicious order 16:24:52  18 monitoring team meeting when you were 16:24:56  19 present? 16:24:59  20 A. Not when I was -- 16:24:59  21 MR. O'CONNOR: Objection. 16:25:00  22 Form. 16:25:01  23 THE WITNESS: Oh, I'm sorry. 16:25:01  24 Not when I was present. 16:25:01  25 QUESTIONS BY MS. HERZFELD: 16:25:01</p>	<p>1 too much. They were ordering not to the 16:25:54  2 levels that they said they used to purchase. 16:25:58  3 Q. Okay. And that wasn't within 16:26:00  4 the purview of your responsibility to look 16:26:02  5 for those things? 16:26:03  6 A. Correct. 16:26:04  7 Q. Okay. Okay. Did they -- were 16:26:05  8 you taught while you were at Mallinckrodt of 16:26:13  9 any other potential signs of diversion other 16:26:15  10 than frequency, I think you said, and volume? 16:26:17  11 MR. O'CONNOR: Objection to 16:26:20  12 form. 16:26:21  13 THE WITNESS: It wasn't in my 16:26:22  14 job, so they didn't need to teach me 16:26:25  15 that. 16:26:28  16 QUESTIONS BY MS. HERZFELD: 16:26:29  17 Q. Okay. And I guess I would have 16:26:29  18 expected perhaps there would have been some 16:26:30  19 discussion of signs of diversion at the 16:26:32  20 suspicious order monitoring team meetings. 16:26:35  21 Did that not occur? 16:26:36  22 MR. O'CONNOR: Objection to 16:26:37  23 form. 16:26:38  24 THE WITNESS: I don't recall 16:26:38  25 everything that was discussed in the 16:26:40</p>

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1	meetings. So I'm sure there was some 16:26:41	1	(Mallinckrodt-Collier Exhibit 16:29:28
2	discussion; otherwise, I wouldn't have 16:26:43	2	42 marked for identification.) 16:29:29
3	recalled two items. 16:26:45	3	QUESTIONS BY MS. HERZFELD: 16:29:29
4	QUESTIONS BY MS. HERZFELD: 16:26:45	4	Q. Okay. Okay. We'll mark the 16:29:29
5	Q. Okay. Do you recall anybody 16:26:46	5	next exhibit 42. This is Bates 16:29:30
6	talking about potential signs of diversion 16:26:47	6	MNK-T1_0007251680. Okay. If you'll take a 16:29:42
7	being a percentage of cash sales? 16:26:50	7	look at this document for me, please. 16:29:56
8	A. No, I don't recall that. 16:26:53	8	Okay. Do you recognize this 16:30:10
9	Q. Okay. What about on a 16:26:56	9	document? 16:30:11
10	concentration of pharmacies in a particular 16:26:59	10	A. No, I do not. 16:30:12
11	area that are all high prescribing oxy 16:27:00	11	Q. Okay. Do you think you've ever 16:30:13
12	pharmacies, did anybody ever discuss that? 16:27:05	12	seen it before? 16:30:14
13	MR. O'CONNOR: Objection. 16:27:07	13	A. I may have. 16:30:15
14	Form. 16:27:08	14	Q. Okay. Do you know if you were 16:30:16
15	THE WITNESS: We wouldn't have 16:27:08	15	involved in creating it? 16:30:18
16	that information, nor would we have 16:27:09	16	A. I doubt that I was involved 16:30:19
17	the information about cash sales. 16:27:10	17	creating it. 16:30:23
18	QUESTIONS BY MS. HERZFELD: 16:27:12	18	Q. Okay. Do you think perhaps you 16:30:24
19	Q. Okay. And when you say "we 16:27:12	19	had input into the chart at all? 16:30:25
20	wouldn't have that information," who do you 16:27:14	20	A. Possibly. Someone on my team 16:30:27
21	mean by "we"? 16:27:16	21	might have had it. 16:30:34
22	A. The marketing team. 16:27:17	22	Q. Okay. And this chart is 16:30:34
23	Q. The marketing team. Okay. 16:27:18	23	labeled "State concentration, oxy 15 and 30, 16:30:36
24	But somebody else in 16:27:20	24	April 2011"; is that correct? 16:30:39
25	Mallinckrodt may have that information? 16:27:21	25	A. Yes. 16:30:40
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1	A. I have no idea. 16:27:22	1	Q. Okay. And so with this chart, 16:30:46
2	Q. Okay. 16:27:22	2	would this show that Mallinckrodt was 16:30:49
3	A. I don't know how they would get 16:27:23	3	monitoring the percentage of each distributor 16:30:52
4	it. 16:27:24	4	shipments going to the various states; is 16:30:55
5	Q. Okay. Okay. Going back to our 16:27:24	5	that right? 16:30:57
6	chart here. Okay. So I think the last one 16:27:31	6	MR. O'CONNOR: Objection to 16:30:57
7	we talked about was the one in La Follette. 16:27:50	7	form. 16:30:58
8	That's Riggs. 16:27:53	8	THE WITNESS: At this 16:30:58
9	And then at 334 we have 16:27:53	9	particular -- on this particular 16:30:59
10	Ripptoe, Inc., in Morristown, Tennessee. And 16:27:56	10	report, yes. 16:31:00
11	there it says, sold the apparent customer 16:27:59	11	QUESTIONS BY MS. HERZFELD: 16:31:01
12	number AmerisourceBergen Health 11,144.4, 16:28:02	12	Q. Okay. And so included within 16:31:01
13	dispensing units, 31,200. 16:28:08	13	that question is, Mallinckrodt was monitoring 16:31:06
14	Do you see where I'm at? 16:28:11	14	the percentage of each distributor's 16:31:08
15	A. Yes. 16:28:12	15	shipments going to Tennessee, at least in 16:31:11
16	Q. Okay. And so that would be 16:28:12	16	April of 2011, according to this chart; is 16:31:14
17	gross sales, \$10,855.84, and the units are 16:28:14	17	that correct? 16:31:16
18	38,000; is that correct? 16:28:20	18	MR. O'CONNOR: Objection to 16:31:16
19	A. Correct. 16:28:20	19	form. 16:31:19
20	Q. Okay. And do you know what the 16:28:21	20	THE WITNESS: Correct. 16:31:20
21	population of Morristown, Tennessee, is? 16:28:22	21	QUESTIONS BY MS. HERZFELD: 16:31:21
22	A. I have no idea. 16:28:25	22	Q. Okay. And how was this 16:31:21
23	Q. Okay. 16:28:26	23	document used by the indirect customer review 16:31:22
24	A. I don't even know what the 16:28:26	24	team, if at all? 16:31:23
25	population of St. Louis is, so... 16:28:27	25	A. I'm not sure. 16:31:25



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1 Q. Okay. Do you know if 16:31:30  
 2 Mallinckrodt was seeking to reduce the 16:31:35  
 3 concentration of oxycodone in Florida? 16:31:37  
 4 A. Yes. 16:31:40  
 5 Q. Okay. Do you know if 16:31:42  
 6 Mallinckrodt was seeking to reduce the 16:31:45  
 7 concentration of oxycodone in Tennessee? 16:31:47  
 8 A. I do not remember that being a 16:31:50  
 9 topic of discussion. 16:31:53  
 10 Q. Okay. Other than Florida, do 16:31:55  
 11 you recall any other states being a topic of 16:31:57  
 12 discussion for the target of the reduction of 16:31:59  
 13 oxycodone concentration by state? 16:32:03  
 14 A. I don't recall that. 16:32:04  
 15 Q. Okay. Okay. And in this 16:32:07  
 16 chart, do you know if population was 16:32:13  
 17 considered at all? 16:32:15  
 18 MR. O'CONNOR: Objection to 16:32:17  
 19 form. 16:32:19  
 20 THE WITNESS: Most likely not, 16:32:20  
 21 because we wouldn't know the 16:32:21  
 22 population. 16:32:23  
 23 QUESTIONS BY MS. HERZFELD: 16:32:23  
 24 Q. You wouldn't know the 16:32:24  
 25 population of a state? 16:32:24

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1 A. Yeah. At any given time, no. 16:32:25  
 2 (Mallinckrodt-Collier Exhibit 16:32:36  
 3 43 marked for identification.) 16:32:36  
 4 QUESTIONS BY MS. HERZFELD: 16:32:36  
 5 Q. Okay. The next one is 43. 16:32:37  
 6 For those on the phone, it's 16:32:51  
 7 MNK-T1\_0007251681. 16:32:55  
 8 The type is very small, so my 16:32:58  
 9 apologies for that. 16:33:22  
 10 Okay. And so is this the -- 16:33:42  
 11 what I've handed you, is this the -- the 16:33:43  
 12 similar type of chart, a state concentration 16:33:46  
 13 chart? 16:33:50  
 14 MR. O'CONNOR: Objection to 16:33:50  
 15 form. 16:33:52  
 16 THE WITNESS: Yes. 16:33:53  
 17 QUESTIONS BY MS. HERZFELD: 16:33:53  
 18 Q. Okay. And so looking at this 16:33:54  
 19 title here it says, "State concentration 16:33:55  
 20 hydro APAP, April 2010 data." 16:33:58  
 21 Did I read that correctly? 16:34:02  
 22 A. Yes. 16:34:03  
 23 Q. Okay. And hydro APAP is what? 16:34:03  
 24 A. It's a Schedule II pain med -- 16:34:06  
 25 a Schedule III pain medication at this time. 16:34:10

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1 Q. Okay. And so hydro APAP, is 16:34:11  
 2 that also hydrocodone? 16:34:14  
 3 A. Yes. 16:34:15  
 4 Q. Okay. And so looking at this 16:34:16  
 5 chart, is this a chart that you would have 16:34:18  
 6 had input in creating or maintaining? 16:34:22  
 7 A. I would not have created this. 16:34:25  
 8 I might have had input, but I'm not sure I 16:34:28  
 9 did. 16:34:31  
 10 Q. Okay. 16:34:31  
 11 A. Because this was taken over by 16:34:32  
 12 suspicious order monitoring. 16:34:34  
 13 Q. Okay. But you were employed by 16:34:35  
 14 Mallinckrodt in April of 2010; is that 16:34:37  
 15 correct? 16:34:38  
 16 A. Yes, I was. 16:34:38  
 17 Q. Okay. And if you'll take a 16:34:39  
 18 look with me here, do you know if this chart 16:34:41  
 19 is created using chargeback data? 16:34:48  
 20 A. I would assume so -- 16:34:50  
 21 Q. Okay. 16:34:56  
 22 A. -- yes. 16:34:56  
 23 Q. And so looking at this chart 16:34:56  
 24 here, if you go down with me to the line for 16:34:59  
 25 Tennessee, which is 51? 16:35:03

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1 A. Yes. 16:35:08  
 2 Q. Okay. And then you see the 16:35:08  
 3 various percentages. I know it's kind of 16:35:09  
 4 hard to line up. 16:35:12  
 5 What are the -- do you know 16:35:13  
 6 what the percentages are indicating? 16:35:14  
 7 A. My -- I don't know. I'd have 16:35:18  
 8 to look at this more carefully because I'm 16:35:23  
 9 not sure. 16:35:26  
 10 Q. Okay. But the percentages are 16:35:27  
 11 indicating something regarding each one of 16:35:29  
 12 these distributors; is that correct? 16:35:33  
 13 MR. O'CONNOR: Objection to 16:35:35  
 14 form. 16:35:36  
 15 THE WITNESS: Yes. 16:35:37  
 16 QUESTIONS BY MS. HERZFELD: 16:35:39  
 17 Q. It's broken out by distributor; 16:35:40  
 18 is that right? 16:35:42  
 19 A. Yes. 16:35:42  
 20 Q. Okay. And so you have it 16:35:42  
 21 broken down by state and you have it broken 16:35:44  
 22 down by distributor in dealing with hydro 16:35:46  
 23 APAP in April of 2010; is that correct? 16:35:51  
 24 A. Correct. 16:35:52  
 25 Q. And it says based on units; is 16:35:52

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<p>1 that right? 16:35:55</p> <p>2 A. Yes. 16:35:55</p> <p>3 Q. Okay. And so if you look with 16:35:55</p> <p>4 me at Tennessee, I want you to go over to 16:35:57</p> <p>5 McKesson. If you look at Tennessee and 16:35:59</p> <p>6 McKesson in this itty-bitty little line, it 16:36:04</p> <p>7 says 10.7 percent. 16:36:08</p> <p>8 Do you see where I'm at? 16:36:09</p> <p>9 A. I don't see a 10.7. I see 16:36:11</p> <p>10 McKesson. 16:36:17</p> <p>11 Q. Okay. You see McKesson. 16:36:17</p> <p>12 A. Oh, I see it now. I'm sorry, I 16:36:18</p> <p>13 was on the wrong line. 16:36:20</p> <p>14 Q. Do you see it? 16:36:21</p> <p>15 A. Yes. 16:36:21</p> <p>16 Q. Okay. Do you know what that 16:36:22</p> <p>17 10.7 represents for McKesson? 16:36:23</p> <p>18 MR. BENSON: Object to form. 16:36:23</p> <p>19 THE WITNESS: No, I do not, 16:36:24</p> <p>20 because I don't know what those 16:36:25</p> <p>21 percentages represent. 16:36:28</p> <p>22 MS. HERZFELD: I'm sorry, who 16:36:28</p> <p>23 objected? 16:36:30</p> <p>24 MR. BENSON: (Hand gestures.) 16:36:30</p> <p>25 MS. HERZFELD: Who are you? 16:36:31</p>	<p>1 QUESTIONS BY MS. HERZFELD: 16:37:17</p> <p>2 Q. Okay. But I would like to have 16:37:17</p> <p>3 your guess because I think it's probably more 16:37:18</p> <p>4 educated than mine in this matter. I've 16:37:20</p> <p>5 never seen these charts before. 16:37:22</p> <p>6 So can you guess what you think 16:37:23</p> <p>7 that these -- I'm just trying to understand 16:37:25</p> <p>8 what it is. 16:37:27</p> <p>9 MR. O'CONNOR: Objection to 16:37:28</p> <p>10 form. 16:37:29</p> <p>11 THE WITNESS: Okay. Give me a 16:37:30</p> <p>12 minute. I'll calculate what these 16:37:33</p> <p>13 percentages add up to -- 16:37:34</p> <p>14 QUESTIONS BY MS. HERZFELD: 16:37:36</p> <p>15 Q. Great. 16:37:37</p> <p>16 A. -- and I might be able to come 16:37:38</p> <p>17 up with something. 16:37:39</p> <p>18 Q. I might be able to shortcut it 16:37:40</p> <p>19 for you a little bit. 16:37:41</p> <p>20 If you look all the way at the 16:37:42</p> <p>21 bottom, it has a grand total. And it looks 16:37:45</p> <p>22 like the bottom of every one is totaled up to 16:37:49</p> <p>23 100 percent. 16:37:52</p> <p>24 Do you see? 16:37:52</p> <p>25 A. Yes. Okay. 16:37:53</p>
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<p>1 MR. BENSON: Fred Benson for 16:36:33</p> <p>2 McKesson. 16:36:33</p> <p>3 MS. HERZFELD: You're from 16:36:34</p> <p>4 McKesson. Okay. 16:36:35</p> <p>5 But I don't think you 16:36:35</p> <p>6 cross-noticed this deposition, so I'm 16:36:36</p> <p>7 going to object to your objection. 16:36:38</p> <p>8 Okay? You're not a party in our case. 16:36:40</p> <p>9 MR. BENSON: Fair enough. 16:36:43</p> <p>10 QUESTIONS BY MS. HERZFELD: 16:36:44</p> <p>11 Q. Okay. So 10.7. Do you know 16:36:44</p> <p>12 what that is in relation to McKesson, what 16:36:45</p> <p>13 that 10.7 represents? 16:36:47</p> <p>14 A. No, because I don't know what 16:36:51</p> <p>15 the percentages represent. 16:36:53</p> <p>16 Q. Okay. Could it be that that's 16:36:53</p> <p>17 10.7 percent of McKesson's hydrocodone APAP 16:37:03</p> <p>18 of April 2010 going to the state of 16:37:06</p> <p>19 Tennessee? 16:37:09</p> <p>20 MR. O'CONNOR: Objection to 16:37:09</p> <p>21 form. 16:37:10</p> <p>22 THE WITNESS: That would ask me 16:37:10</p> <p>23 to guess, and I would make the 16:37:12</p> <p>24 assumption you do not want me 16:37:14</p> <p>25 guessing. 16:37:16</p>	<p>1 Q. So if you look at McKesson and 16:37:54</p> <p>2 you look at Tennessee, and if you add all 16:37:57</p> <p>3 those up, it gets to a hundred percent. 16:38:02</p> <p>4 So I'm looking at this and 16:38:04</p> <p>5 saying, is it that McKesson is 10.7 percent 16:38:07</p> <p>6 of their sales of hydro APAP in April 2010 16:38:14</p> <p>7 were in Tennessee based on this chart? 16:38:21</p> <p>8 MR. O'CONNOR: Object to form. 16:38:23</p> <p>9 THE WITNESS: That seems to be 16:38:24</p> <p>10 the case. 16:38:29</p> <p>11 QUESTIONS BY MS. HERZFELD: 16:38:31</p> <p>12 Q. Okay. Thank you. 16:38:31</p> <p>13 A. Uh-huh. 16:38:32</p> <p>14 Q. Do you know anything 16:38:33</p> <p>15 specifically or -- I'm going to back up. 16:38:45</p> <p>16 Strike that. 16:38:47</p> <p>17 Do you know anything about the 16:38:48</p> <p>18 sales of Mallinckrodt products to the VA? 16:38:49</p> <p>19 MR. O'CONNOR: Objection to 16:38:51</p> <p>20 form. 16:38:51</p> <p>21 THE WITNESS: No, I don't 16:38:52</p> <p>22 recall. 16:38:55</p> <p>23 QUESTIONS BY MS. HERZFELD: 16:38:55</p> <p>24 Q. Okay. Were you ever involved 16:38:55</p> <p>25 in the sales of Mallinckrodt products to the 16:38:57</p>

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1	VA? 16:38:59	1	Q. Okay. And did you create this 16:42:12
2	A. No, I didn't have anything to 16:38:59	2	document? 16:42:14
3	do with sales. 16:39:02	3	A. I did not. 16:42:14
4	Q. Okay. And when I say "VA," I 16:39:03	4	Q. Okay. Did you have any input 16:42:16
5	mean Veterans Administration. 16:39:05	5	in this document? 16:42:18
6	Do you understand that? 16:39:06	6	A. I did not. 16:42:18
7	A. Yes, I understood that. 16:39:07	7	Q. Okay. This document is in your 16:42:20
8	Q. Do you know who would have been 16:39:08	8	custodian file. 16:42:22
9	the person in charge of selling Mallinckrodt 16:39:10	9	Have you seen this document 16:42:22
10	products to the VA? 16:39:14	10	before? 16:42:23
11	A. Yes. Rich McKendrick. 16:39:15	11	A. I do not remember seeing this. 16:42:24
12	Q. Okay. And do you know if Rich 16:39:19	12	Q. Okay. Well, you're listed as a 16:42:28
13	McKendrick is still employed by Mallinckrodt? 16:39:22	13	custodian for it, so do you know who would 16:42:29
14	A. No, he is not. 16:39:24	14	have been the person who created this 16:42:32
15	Q. Okay. Do you know where he -- 16:39:25	15	document? 16:42:33
16	if he is employed now? 16:39:27	16	A. I'm not sure where this came 16:42:34
17	A. I don't know. 16:39:28	17	from, so, no. 16:42:37
18	Q. Okay. Do you know if he 16:39:29	18	Q. Okay. Do you know if there was 16:42:38
19	retired? 16:39:37	19	routinely a list of top 150 pharmacies that 16:42:41
20	A. I don't know. 16:39:38	20	was kept? 16:42:44
21	Q. Okay. Are you in touch with 16:39:39	21	A. No. 16:42:44
22	Mr. McKendrick? 16:39:43	22	Q. Okay. 16:42:46
23	A. Probably if I was, I would know 16:39:44	23	A. I don't know that either. 16:42:46
24	what he was doing. 16:39:46	24	Q. Okay. 16:42:48
25	Q. Okay. 16:39:47	25	A. If it was outside my area, I 16:42:48
Page 323		Page 325	
1	A. No. 16:39:47	1	wouldn't know if somebody was doing this on a 16:42:51
2	Q. Okay. Very good. Okay. 16:39:47	2	regular basis. 16:42:52
3	If you give me just one second, 16:40:24	3	And what does it mean that it's 16:42:54
4	I think I'm almost finished. 16:40:27	4	in my custodian? 16:42:55
5	Were you involved at all in 16:41:11	5	MS. HERZFELD: There -- maybe I 16:42:58
6	creating a list of the 150 top pharmacies for 16:41:12	6	should have your lawyer explain that 16:43:00
7	Mallinckrodt? 16:41:15	7	to you. 16:43:01
8	MR. O'CONNOR: Objection to 16:41:17	8	MR. O'CONNOR: It simply means 16:43:02
9	form. 16:41:18	9	that it was identified as being in 16:43:04
10	THE WITNESS: I don't know what 16:41:18	10	your e-mail or electronic files. 16:43:06
11	you're talking about, so I'd need to 16:41:19	11	THE WITNESS: But not 16:43:10
12	see what you're discussing. 16:41:22	12	necessarily generated by me? 16:43:11
13	(Mallinckrodt-Collier Exhibit 16:41:23	13	MR. O'CONNOR: Exactly right. 16:43:12
14	44 marked for identification.) 16:41:23	14	QUESTIONS BY MS. HERZFELD: 16:43:13
15	MS. HERZFELD: Okay. I'm not 16:41:25	15	Q. Okay. But you've potentially 16:43:13
16	sure if we have made this one an 16:41:26	16	seen this e-mail before -- or this list 16:43:16
17	exhibit or not yet. 44. 16:41:32	17	before? 16:43:18
18	For those on the phone, this is 16:41:44	18	A. Possibly. 16:43:18
19	MNK_TNSTA05098003. 16:41:47	19	MR. O'CONNOR: Objection. 16:43:19
20	QUESTIONS BY MS. HERZFELD: 16:41:47	20	THE WITNESS: Possibly. 16:43:19
21	Q. So the title of this document 16:42:02	21	QUESTIONS BY MS. HERZFELD: 16:43:20
22	is "Top 150 pharmacies, oxy 30-milligram 16:42:04	22	Q. Okay. Do you know what this 16:43:20
23	only, 2009 to 2011 data combined." 16:42:07	23	was used for in your capacity at 16:43:21
24	Did I read that correctly? 16:42:10	24	Mallinckrodt? 16:43:23
25	A. Yes. 16:42:10	25	A. I do not remember the document, 16:43:24

<p style="text-align: right;">Page 326</p> <p>1 so I would not remember what it was used for. 16:43:26</p> <p>2 Q. Okay. Are you disputing that 16:43:36</p> <p>3 you've ever received this document? 16:43:37</p> <p>4 A. No. 16:43:38</p> <p>5 Q. Okay. 16:43:40</p> <p>6 A. I just don't recall it. 16:43:40</p> <p>7 Q. Okay. Okay. Exhibit 45. 16:43:43</p> <p>8 (Mallinckrodt-Collier Exhibit 16:44:10</p> <p>9 45 marked for identification.) 16:44:10</p> <p>10 QUESTIONS BY MS. HERZFELD: 16:44:10</p> <p>11 Q. Okay. If you'll look at the 16:45:00</p> <p>12 first page, do you recognize this document? 16:45:01</p> <p>13 A. I recognize it as being an 16:45:03</p> <p>14 e-mail from Lisa Cardetti to me, yes. 16:45:08</p> <p>15 Q. Okay. And is it dated 16:45:11</p> <p>16 August 30, 2011? 16:45:13</p> <p>17 A. Yes. 16:45:13</p> <p>18 Q. Okay. And in the e-mail it 16:45:14</p> <p>19 says, "Ginger, as requested, I've looked at 16:45:16</p> <p>20 past six months compared to the prior six 16:45:19</p> <p>21 months of oxy sales by state." 16:45:21</p> <p>22 Did I read that correctly? 16:45:22</p> <p>23 A. Yes. 16:45:23</p> <p>24 Q. Do you recall asking Lisa to do 16:45:23</p> <p>25 this project? 16:45:27</p>	<p style="text-align: right;">Page 328</p> <p>1 THE WITNESS: Maybe not state 16:46:12</p> <p>2 by state. The data were pulled. That 16:46:13</p> <p>3 does not mean that that's what we were 16:46:15</p> <p>4 reviewing. 16:46:17</p> <p>5 QUESTIONS BY MS. HERZFELD: 16:46:18</p> <p>6 Q. Okay. I don't think I 16:46:18</p> <p>7 understand your answer. 16:46:20</p> <p>8 I'll back up. 16:46:20</p> <p>9 A. Okay. Can you ask the question 16:46:21</p> <p>10 a different way then? 16:46:22</p> <p>11 Q. Sure. 16:46:24</p> <p>12 Okay. So looking at this, it's 16:46:24</p> <p>13 oxy -- it says attachments are sales by 16:46:26</p> <p>14 state, August 30, 2011; is that right? 16:46:32</p> <p>15 A. Yes. 16:46:34</p> <p>16 Q. Okay. And then, "Ginger, as 16:46:35</p> <p>17 requested, I've looked at the past six months 16:46:39</p> <p>18 compared to the prior six months of oxy sales 16:46:40</p> <p>19 by state." 16:46:43</p> <p>20 Did I state that correctly? 16:46:46</p> <p>21 A. Yes. 16:46:47</p> <p>22 Q. Okay. And so looking at these 16:46:48</p> <p>23 charts, it was looking at oxy sales by state; 16:46:49</p> <p>24 is that right? 16:46:52</p> <p>25 A. Yes. 16:46:52</p>
<p style="text-align: right;">Page 327</p> <p>1 A. I don't recall asking her to do 16:45:28</p> <p>2 it, no. 16:45:31</p> <p>3 Q. Okay. But she's clearly 16:45:32</p> <p>4 responding to something, right? 16:45:33</p> <p>5 A. Right. 16:45:34</p> <p>6 MR. O'CONNOR: Objection. 16:45:35</p> <p>7 QUESTIONS BY MS. HERZFELD: 16:45:36</p> <p>8 Q. And so looking at that, it 16:45:36</p> <p>9 looks like -- if you look at the charts that 16:45:38</p> <p>10 are attached here, the next couple, there are 16:45:40</p> <p>11 various charts that are broken down by state; 16:45:45</p> <p>12 is that correct? 16:45:47</p> <p>13 A. Yes. 16:45:47</p> <p>14 Q. Okay. And it has to do with 16:45:48</p> <p>15 prior six months and the past six months and 16:45:51</p> <p>16 the percentage of change for oxy sales; is 16:45:53</p> <p>17 that right? 16:45:56</p> <p>18 A. Yes. 16:45:56</p> <p>19 Q. Okay. And so at least as of 16:45:58</p> <p>20 the date of this e-mail, during this time, 16:46:01</p> <p>21 Mallinckrodt was looking at the percentage 16:46:06</p> <p>22 change of oxy sales state by state; is that 16:46:08</p> <p>23 right? 16:46:11</p> <p>24 MR. O'CONNOR: Objection. 16:46:11</p> <p>25 Form. 16:46:11</p>	<p style="text-align: right;">Page 329</p> <p>1 Q. Okay. 16:46:54</p> <p>2 A. That's what's in the chart. 16:46:54</p> <p>3 Q. Okay. And the charts seem to 16:46:55</p> <p>4 measure prior six months, past six months, 16:46:59</p> <p>5 and then column F says percentage change. 16:47:01</p> <p>6 I'm on the page ahead of you. 16:47:04</p> <p>7 This one right here. 16:47:06</p> <p>8 A. Yes. 16:47:08</p> <p>9 Q. And so my question is actually 16:47:12</p> <p>10 pretty simple. So as of the date this e-mail 16:47:14</p> <p>11 was sent, August 30, 2011, Mallinckrodt 16:47:18</p> <p>12 monitored oxy sales by state? 16:47:22</p> <p>13 MR. O'CONNOR: Objection to 16:47:25</p> <p>14 form. 16:47:26</p> <p>15 THE WITNESS: We pulled data by 16:47:26</p> <p>16 state. I wouldn't say we necessarily 16:47:29</p> <p>17 monitored it because Lisa -- if she 16:47:31</p> <p>18 referred to this, she wasn't looking 16:47:33</p> <p>19 at many states. She was looking at 16:47:35</p> <p>20 Ohio, California, New York and 16:47:37</p> <p>21 Florida, which were flagged for SLM. 16:47:40</p> <p>22 QUESTIONS BY MS. HERZFELD: 16:47:41</p> <p>23 Q. Okay. So then I will back up. 16:47:42</p> <p>24 I will rephrase my question. 16:47:43</p> <p>25 A. Okay. 16:47:44</p>



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1 Q. So as of August 2011 when these 16:47:44  
2 charts were sent to you from Lisa, 16:47:47  
3 Mallinckrodt had the capability of monitoring 16:47:53  
4 oxy sales by state? 16:47:55  
5 MR. O'CONNOR: Objection to 16:47:56  
6 form. 16:47:57  
7 MS. HERZFELD: What's the 16:47:58  
8 objection? 16:47:59  
9 MR. O'CONNOR: Vague. What 16:48:00  
10 monitoring means, the capability. 16:48:02  
11 QUESTIONS BY MS. HERZFELD: 16:48:07  
12 Q. Do you understand what 16:48:08  
13 "capability" means, ma'am? 16:48:09  
14 A. The ability. 16:48:10  
15 Q. Okay. And do you understand 16:48:10  
16 what "monitoring" means? 16:48:11  
17 A. Well, it could mean any number 16:48:12  
18 of things. In the context of suspicious 16:48:15  
19 order monitoring? Or were we monitoring 16:48:18  
20 those sales? Which we were not. 16:48:19  
21 Q. Okay. But my question wasn't 16:48:22  
22 "were you." That was my question before. 16:48:24  
23 You said you only knew you were 16:48:26  
24 monitoring some, right? 16:48:28  
25 So my question now is: Did you 16:48:29

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1 have -- did Mallinckrodt have the 16:48:31  
2 capability -- which we've determined you 16:48:32  
3 understand what capability means. 16:48:33  
4 Did Mallinckrodt have the 16:48:35  
5 capability of monitoring -- let's use a 16:48:36  
6 different word -- tracking sales of oxy by 16:48:39  
7 state? 16:48:43  
8 MR. O'CONNOR: Objection to 16:48:44  
9 form. 16:48:44  
10 MS. HERZFELD: What is the 16:48:45  
11 objection? 16:48:45  
12 MR. O'CONNOR: Compound. 16:48:47  
13 Vague. 16:48:49  
14 MS. HERZFELD: Okay. We'll 16:48:50  
15 back up and ask it again. 16:48:51  
16 QUESTIONS BY MS. HERZFELD: 16:48:53  
17 Q. I'm going to ask it in smaller 16:48:53  
18 parts so we don't get a compound objection. 16:48:55  
19 Okay? 16:48:57  
20 Looking at this chart, 16:48:57  
21 Mallinckrodt, here, according to this chart, 16:48:59  
22 was monitoring sales -- I won't say 16:49:01  
23 monitoring -- tracking sales by state; is 16:49:04  
24 that correct? 16:49:07  
25 MR. O'CONNOR: Objection to 16:49:07

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1 form. 16:49:08  
2 MS. HERZFELD: Okay. I'm going 16:49:09  
3 to back up one more time. 16:49:10  
4 MR. O'CONNOR: Do you want to 16:49:11  
5 just try that question again? It was 16:49:12  
6 because you stopped in the middle. 16:49:14  
7 MS. HERZFELD: You're objecting 16:49:16  
8 because I stopped in the middle? 16:49:16  
9 MR. O'CONNOR: Because it 16:49:18  
10 became unclear what the question was. 16:49:20  
11 MS. HERZFELD: Okay. We'll be 16:49:22  
12 really clear this time. 16:49:23  
13 QUESTIONS BY MS. HERZFELD: 16:49:24  
14 Q. As of the date that this e-mail 16:49:25  
15 was sent to you, August 30, 2011, 16:49:28  
16 Mallinckrodt was capable of tracking oxy 16:49:34  
17 sales by state; is that correct? 16:49:37  
18 A. Mallinckrodt was capable of 16:49:40  
19 running a report by state, yes. 16:49:42  
20 Q. Okay. Do you not understand 16:49:45  
21 what I mean when I say "tracking"? 16:49:47  
22 A. Tracking, to me, would indicate 16:49:49  
23 it could be any number of things of what you 16:49:51  
24 were asking. 16:49:53  
25 Q. Okay. So you don't understand 16:49:54

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1 the term "monitoring" because it can mean a 16:49:56  
2 lot of things, and tracking seems like it 16:49:58  
3 means a lot of things. 16:50:01  
4 So I just want to know: 16:50:01  
5 According to this chart, there's 50 states on 16:50:03  
6 this chart, correct? 16:50:04  
7 A. Correct. 16:50:06  
8 Q. And also the Virgin Islands, it 16:50:07  
9 appears, and Puerto Rico, right? 16:50:10  
10 A. Yes. 16:50:12  
11 Q. So looking at this, the data is 16:50:12  
12 broken down by state; is that correct? 16:50:14  
13 A. Correct. 16:50:15  
14 Q. Okay. And the percentage 16:50:16  
15 change of oxy sales is broken down per state; 16:50:17  
16 is that correct? 16:50:21  
17 A. Yes. 16:50:21  
18 Q. Okay. And this information 16:50:22  
19 could have been pulled every month if 16:50:24  
20 Mallinckrodt wanted to pull it as of August 16:50:26  
21 2011; is that correct? 16:50:29  
22 A. Yes. 16:50:29  
23 MS. HERZFELD: Okay. Take a 16:50:33  
24 break. 16:50:34  
25 VIDEOGRAPHER: We are going off 16:50:34

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1 the record at 4:50 p.m. 16:50:35  
 2 (Off the record at 4:50 p.m.) 16:50:37  
 3 VIDEOGRAPHER: We are back on 16:58:30  
 4 the record at 4:58 p.m. 16:58:31  
 5 REDIRECT EXAMINATION 16:58:36  
 6 QUESTIONS BY MR. GOTTO: 16:58:37  
 7 Q. Ms. Collier, just a few 16:58:38  
 8 follow-up questions. 16:58:38  
 9 If you could look back at 16:58:39  
 10 Exhibit 45, the document you were just 16:58:40  
 11 looking at with Ms. Herzfeld. 16:58:44  
 12 A. Oh, yes. 16:58:47  
 13 Q. The e-mail. 16:58:48  
 14 My question -- the final 16:58:49  
 15 sentence of the first paragraph says, "The 16:58:53  
 16 other states that are increasing are 16:58:54  
 17 highlighted, Ohio, California and New York, 16:58:55  
 18 which are the same states that SOM 16:58:56  
 19 highlighted." 16:58:59  
 20 Do you know what Ms. Cardetti 16:59:00  
 21 meant when she said those were the same 16:59:02  
 22 states that SOM highlighted? 16:59:04  
 23 A. I'm not clear, but it's 16:59:05  
 24 possible that there was a discussion during 16:59:08  
 25 an SOM meeting about those particular states. 16:59:09

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1 Q. Okay. Was Ms. Cardetti part of 16:59:13  
 2 the SOM committee or any subcommittee? 16:59:18  
 3 A. She was part of pulling data 16:59:19  
 4 for the meetings, for some of the meetings 16:59:24  
 5 early on. She was the one that helped with 16:59:27  
 6 some of the analytics -- 16:59:29  
 7 Q. Okay. 16:59:34  
 8 A. -- along with Kate Neely. 16:59:34  
 9 Q. Okay. And you've testified 16:59:36  
 10 about an indirect purchaser subcommittee of 16:59:37  
 11 the SOM committee. 16:59:39  
 12 Who else was on that 16:59:40  
 13 subcommittee; can you recall? 16:59:45  
 14 A. I don't remember. 16:59:45  
 15 Q. You don't remember anyone at 16:59:46  
 16 all? 16:59:47  
 17 A. No, I don't remember who was in 16:59:47  
 18 that. It would have been people like the 16:59:49  
 19 Carol that was mentioned because she was in a 16:59:52  
 20 chargeback contract admin team, and so she 16:59:55  
 21 would have known about chargebacks. 16:59:58  
 22 Q. Okay. Do you recall there 16:59:59  
 23 being a time when the SOM function was moved 17:00:00  
 24 to a group known as CDIG? 17:00:02  
 25 MR. O'CONNOR: Objection to 17:00:05

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1 form. 17:00:07  
 2 THE WITNESS: I don't remember 17:00:07  
 3 what CDIG stood for. I thought that 17:00:09  
 4 was an acronym for sales reporting. 17:00:13  
 5 QUESTIONS BY MR. GOTTO: 17:00:15  
 6 Q. Okay. So you're not familiar 17:00:15  
 7 with CDIG as a function at Mallinckrodt? 17:00:16  
 8 A. No, I don't remember. And I 17:00:18  
 9 know that there was -- CDIG was used in some 17:00:20  
 10 of the memos, but I don't know what it stood 17:00:25  
 11 for. 17:00:27  
 12 Q. Okay. Okay. I just have a 17:00:27  
 13 couple more questions for you on some 17:00:29  
 14 documents. 17:00:31  
 15 (Mallinckrodt-Collier Exhibit 17:00:40  
 16 46 marked for identification.) 17:00:40  
 17 QUESTIONS BY MR. GOTTO: 17:00:40  
 18 Q. Exhibit 46 is a multipage 17:00:58  
 19 e-mail thread beginning at Bates 17:01:00  
 20 MNK-T1\_0000368477, and it's a several-page 17:01:06  
 21 document. 17:01:10  
 22 My only question for you 17:01:10  
 23 concerns your e-mail to Ms. Lundergan on 17:01:11  
 24 February 9th, the very top e-mail on the 17:01:15  
 25 second page. 17:01:23

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1 A. Okay. 17:01:59  
 2 Q. In your e-mail -- well, first, 17:02:00  
 3 the e-mail thread concerns resuming shipments 17:02:04  
 4 to KeySource, correct? 17:02:07  
 5 A. Correct. 17:02:08  
 6 Q. And this is in February 17:02:09  
 7 of 2011. 17:02:12  
 8 On February 8th, Ms. Lundergan 17:02:12  
 9 asks you if you agree with the resumption, 17:02:20  
 10 and you say, "Yes, Karen Harper said we can 17:02:22  
 11 ship all of our approved distributors because 17:02:25  
 12 they performed the audits, and the 17:02:26  
 13 distributors complied with our requests. We 17:02:28  
 14 are cutting off the suspicious pharmacies." 17:02:32  
 15 What did you mean by that when 17:02:34  
 16 you said, "we are cutting off the suspicious 17:02:38  
 17 pharmacies"? 17:02:39  
 18 A. That probably refers to where 17:02:40  
 19 we had pharmacies that were ordering from 17:02:42  
 20 more than one distributor, and we were 17:02:45  
 21 uncomfortable with them buying from multiple 17:02:48  
 22 distributors, and so we wouldn't allow 17:02:50  
 23 chargebacks anymore. 17:02:52  
 24 So basically we didn't cut off 17:02:52  
 25 the pharmacies; we cut off the payment 17:02:54

<p style="text-align: right;">Page 338</p> <p>1 mechanism for the wholesaler/distributor to 17:02:56          2 get their money back. 17:02:58          3 Q. Okay. And when you said "they 17:02:59          4 performed the audits and the distributors 17:03:04          5 complied with our requests," who is the 17:03:06          6 "they" you're referring to in that sentence? 17:03:09          7 A. Karen Harper and the SOM team. 17:03:10          8 Q. Okay. Okay. You can put that 17:03:13          9 aside. 17:03:16          10 (Mallinckrodt-Collier Exhibit 17:03:17          11 47 marked for identification.) 17:03:18          12 QUESTIONS BY MR. GOTTO: 17:03:18          13 Q. Exhibit 48 {sic} is a multipage 17:03:52          14 document beginning at Bates 17:03:58          15 MNK-T1_0000273249, and it appears to be a 17:04:05          16 spreadsheet that compiles information 17:04:07          17 concerning oxy 15 and 30 gross sales in 17:04:10          18 January 2011 time frame. 17:04:17          19 Do you recognize this document? 17:04:18          20 A. I recognize the content, yes. 17:04:21          21 Q. Okay. Is it a document that 17:04:24          22 you had involvement in preparing? 17:04:27          23 A. Not that I recollect. 17:04:29          24 Q. Okay. Or anyone on your team? 17:04:31          25 A. Someone on my team might have 17:04:33</p>	<p style="text-align: right;">Page 340</p> <p>1 MNK-T1_0000557439. 17:06:03          2 If you can take -- this appears 17:06:10          3 to be an October 2010 compilation of 17:06:11          4 information regarding oxy 15 and 30 sales? 17:06:14          5 Do you recognize this document? 17:06:19          6 A. I recognize the content, yes. 17:06:22          7 Q. Okay. And again, similar to 17:06:24          8 the Exhibit 47 we just looked at, is this 17:06:26          9 data that you or someone on your team 17:06:30          10 participated in compiling? 17:06:33          11 A. It appears it would be. 17:06:34          12 Q. Okay. And again, any insight 17:06:36          13 into the reason for the compilation of this 17:06:41          14 data? 17:06:43          15 A. I'm not sure why we were 17:06:44          16 running this data on a regular basis, but it 17:06:49          17 was to understand who was selling most of our 17:06:51          18 product. 17:06:54          19 MR. GOTTO: Okay. I have no 17:07:02          20 further questions. Thank you for your 17:07:02          21 time. 17:07:04          22 THE WITNESS: Okay. Thank you. 17:07:04          23 MR. O'CONNOR: I have no 17:07:06          24 questions. 17:07:07          25 MR. GOTTO: All right. 17:07:07</p>
<p style="text-align: right;">Page 339</p> <p>1 done this. 17:04:35          2 Q. Okay. Do you know the purpose 17:04:36          3 of compiling this data back in early 2011? 17:04:37          4 A. Just to understand, this might 17:04:42          5 have been part of removing it from their VIP 17:04:45          6 programs and understand what each of the 17:04:48          7 wholesalers were purchasing. 17:04:50          8 Q. Okay. And the column A on the 17:04:51          9 first page, sold via parent/customer name, 17:05:02          10 what does that phrase mean, "parent/customer 17:05:05          11 name," in this context? 17:05:10          12 A. That's our customer that we 17:05:11          13 sold to, so it pulls the -- someone pulled 17:05:14          14 the chargeback data by who it was shipped 17:05:16          15 through. 17:05:18          16 Q. Okay. Okay. You can set that 17:05:19          17 aside. 17:05:23          18 A. Okay. 17:05:32          19 (Mallinckrodt-Collier Exhibit 17:05:32          20 48 marked for identification.) 17:05:32          21 QUESTIONS BY MR. GOTTO: 17:05:32          22 Q. Okay. So to correct, the prior 17:05:51          23 document was Exhibit 47. 17:05:56          24 This is Exhibit 48, which was a 17:05:57          25 document produced native under Bates 17:06:01</p>	<p style="text-align: right;">Page 341</p> <p>1 VIDEOGRAPHER: We are going off 17:07:08          2 the record at 5:07 p.m. 17:07:10          3 (Deposition concluded at 5:07 p.m.) 17:07:11          4 -----          5          6          7          8          9          10          11          12          13          14          15          16          17          18          19          20          21          22          23          24          25</p>

# CERTIFICATE

I, CARRIE A. CAMPBELL, Registered  
Diplomate Reporter, Certified Realtime  
Reporter and Certified Shorthand Reporter, do  
hereby certify that prior to the commencement  
of the examination, Ginger Collier was duly  
sworn by me to testify to the truth, the  
whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

CARRIE A. CAMPBELL,  
NCRA Registered Diplomate Reporter  
Certified Realtime Reporter  
Notary Public  
Dated: January 14, 2019

## ACKNOWLEDGMENT OF DEPONENT

I, \_\_\_\_\_, do hereby certify that I have read the foregoing pages and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

Ginger Collier      DATE

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

My commission expires: \_\_\_\_\_

Notary Public

## INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it. You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

## ERRATA

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	LAWYER'S NOTES		
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